# Edinburgh Corporation Order Confirmation Act, 1958

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An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Edinburgh Corporation. [18th December 1958.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of Order in schedule.

**1.** The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title.

**2.** This Act may be cited as the Edinburgh Corporation Order Confirmation Act 1958.

# SCHEDULE

## EDINBURGH CORPORATION

*Provisional Order to consolidate with amendments the Acts and Orders of or relating to the Corporation of the city of Edinburgh with respect to the general administration of the city and the water and transport and certain other undertakings and services of the said Corporation and finance of the city and to confer further powers on them with respect thereto and for other purposes.*

WHEREAS the lord provost magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government and administration of the said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein:

And whereas the Corporation are the owners of and vested in the water and transport undertakings of the city and are the local water authority within the county of Midlothian including the city:

And whereas the Acts and Orders relating to the general administration of the city and with respect to the said undertakings and the other undertakings and services of the Corporation mentioned in this Order and with respect to the finance of the city and the rating and borrowing powers of the Corporation are very numerous and in many cases have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is expedient to retain were consolidated and that the powers of the Corporation with regard to such matters and undertakings and services should be enlarged and extended as provided in this Order:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:—

### PART I

### PRELIMINARY

Short title.

1. This Order may be cited as the Edinburgh Corporation Order 1958.

Commencement of Order.

2. Except as otherwise in this Order expressly provided this Order shall come into operation on the date of the Act confirming this Order which date is in this Order referred to as the commencement of this Order.

PART I —*cont.*

Interpretation.

3.—(1) Terms words and expressions to which meanings are assigned by the city Acts or by any public Act applicable to the Corporation or wholly or partially incorporated with this Order shall subject to the provisions of this Order and unless there is something in the subject or context inconsistent with or repugnant to such construction have the same respective meanings in the provisions of this Order in which such terms words and expressions are used.

(2) The following words and expressions in this Order have unless there is something in the subject or context repugnant to such construction the meanings hereby assigned to them (that is to say):—

" Act of 1930 " means the Road Traffic Act 1930;

" Act of 1947 " means the Local Government (Scotland) Act 1947;

" city " means the city and royal burgh of Edinburgh;

" city Acts " means the local Acts and Orders applicable to the city;

" city chamberlain " means the officer of the Corporation acting as city chamberlain or chief financial officer for the time being;

" city map " means the map of the city and of the wards of the city kept by the town clerk in pursuance of section 6 (Boundaries of the city) of this Order;

" common good " means the common good of the city;

" constable " means the chief constable or any member of the police force of the city;

" Corporation " means the Corporation of the city of Edinburgh;

" county " means the county of Midlothian excluding the city;

" county clerk " means the county clerk of the county for the time being;

" county council " means the county council of the county;

" daily penalty " means a further fine for every day on which any offence is continued after conviction therefor;

" dock commission " means the commissioners for the harbour and docks of Leith;

" harbour and docks of Leith " has the meaning assigned to " harbour and docks " by section 6 (Interpretation of terms) of the Leith Harbour and Docks Consolidation Order 1935;

" Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

" lord provost " means the lord provost of the city for the time being;

" loudspeaker " means any device for the reproduction and amplification of sound;

" Order of 1933 " means the Edinburgh Corporation Order 1933;

PART I —*cont.*

" public place " means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes any common passage close court stair garden or yard pertaining to any tenement or group of separately occupied houses;

" public service vehicle " has the same meaning as in the Road Traffic Act 1956;

" Registrar-General " means the Registrar-General of Births Deaths and Marriages in Scotland;

" Registration Acts " means the Registration of Births, Deaths and Marriages (Scotland) Acts 1854 to 1938;

" repealed Acts " means the provisions of the Acts and Orders specified in the Ninth Schedule to this Order and repealed by this Order;

" sheriff " means the sheriff of the Lothians and Peebles and includes his substitutes;

" street " means any highway road bridge square lane footpath close court or passage (not being or forming part of any harbour dock quay wharf or canal or any station or depot of the transport commission or operators of public service vehicles) or any part thereof open to be used by the public and whether the same is a thoroughfare or not;

" summary conviction " means conviction by a court of summary jurisdiction;

" town clerk " means the town clerk of the city for the time being;

" transport commission " means the British Transport Commission;

" transport undertaking " means the transport undertaking of the Corporation and includes all lands offices depots garages and other buildings works vehicles machinery plant apparatus appliances servitudes rights powers and privileges for the time being belonging to or held or used by the Corporation for the purposes of Part V (Transport) of this Order;

" water undertaking " means and includes all the waterworks of the Corporation and all lands minerals railways buildings streams springs wells reservoirs cisterns filters machinery plant tanks intakes aqueducts sluices mains pipes culverts servitudes wayleaves rights powers and privileges for the time being belonging to or held by or used by the Corporation for or in relation to or in connection with waterworks and the diversion collection storage protection and distribution of water or otherwise for or in relation to or in connection with the supply of water by them.

(3) Any reference in this Order to any other enactment shall except so far as the context otherwise requires be construed as a reference to that enactment as amended by or under any other enactment including this Order.

(4) Any reference in any enactment to the Edinburgh Corporation Acts or to the Edinburgh Municipal and Police Acts shall be deemed to be a reference to the city Acts.

PART I —*cont.*

Limits of Order.

4. Subject to the provisions of Part IV (Water) of this Order and except where otherwise provided or where the context otherwise requires the provisions of this Order shall apply only to the city.

Incorporation of Acts.

5. The following Acts so far as they are applicable to the purposes of and are not inconsistent with this Order are hereby (except where expressly varied by this Order) incorporated with this Order:—

The Lands Clauses Acts (except section 90 and section 120 of the Lands Clauses Consolidation (Scotland) Act 1845);

and this Order shall be deemed to be a special Act within the meaning of those Acts.

## PART II

## GENERAL ADMINISTRATION

### *A. City ward and parish boundaries*

Boundaries of the city.

6.—(1) The city shall continue to comprehend the area comprised within the boundaries described in the First Schedule to this Order which area is delineated on the city map.

(2) A map (in this section referred to as " the city map ") showing the boundaries of the city and of the wards of the city signed by Sir James Duncan Baronet chairman of the commissioners to whom this Order was referred shall be kept by the town clerk.

(3) If there is any discrepancy between the city map and the description in the First Schedule to this Order the city map shall be deemed to be correct and shall prevail except so far as relating to so much of the boundary described in the said schedule as follows the line of low-water mark of ordinary spring tides in respect of which part of the said boundary the said description shall prevail.

Division into wards.

7.—(1) Unless and until otherwise determined the city shall continue to be divided into twenty-three wards as existing at the commencement of this Order:

Provided that the premises comprising numbers 1 to 45 (inclusive) Parkhead Crescent shall by virtue of this Order and as from the commencement of this Order be transferred to and form part of the number IX Sighthill Ward of the city and shall cease to form part of the number VIII Colinton Ward of the city.

(2) The numbers names and boundaries of the said wards (as altered in accordance with the proviso to subsection (1) of this section) are respectively described in the Second Schedule to this Order and are shown on the city map.

(3) If there is any discrepancy between the city map and the descriptions in the Second Schedule to this Order the city map shall be deemed to be correct and shall prevail except so far as relating to so much of the boundaries described in the said schedule as follow the line of low-water mark of ordinary spring tides in respect of which part of the said boundaries the said descriptions shall prevail.

(4) Notwithstanding the alteration of the number IX Sighthill Ward or of the number VIII Colinton Ward under subsection (1) of this section the councillors representing the said wards respectively at the commencement of this Order shall subject to the provisions of the Act of 1947 and of this Order continue to represent the said wards as so altered until they fall to retire in ordinary course.

PART II —*cont.*

(5) The coming into operation of this Part of this Order shall not affect any election held prior to the sixteenth day of February nineteen hundred and fifty-nine and any such election shall be held on the register of electors published on the fifteenth day of February nineteen hundred and fifty-eight.

City parish.

8. The city parish of Edinburgh shall continue to comprehend the city.

*B. County of city*

County of city.

9.—(1) The city shall continue to be a county of a city by the name of " the county of the city of Edinburgh ".

(2) All existing charters enactments laws customs and usages and all existing jurisdictions prerogatives rights powers privileges and authorities held used and enjoyed and applicable in the city at the commencement of this Order shall continue to be held used and enjoyed and to be applicable within the county of the city of Edinburgh.

(3) The expenditure reasonably incurred by the clerk to the lieutenancy of the county of the city of Edinburgh shall be paid out of the burgh fund.

(4) Nothing in this section shall affect the right of justices of the peace for the county to hold courts and meetings within the city.

*C. Town councillors office-bearers etc.*

Number of town councillors and magistrates.

10.—(1) The number of town councillors shall be sixty-nine and the Corporation shall consist of such town councillors together with the lord dean of guild and the convener of trades (so long as the holders of these offices respectively continue to be constituent members of the Corporation).

(2) Each of the wards of the city shall be represented on the Corporation by three town councillors.

(3) The number of such town councillors to be elected magistrates shall be eleven of whom one shall be lord provost and ten shall be bailies.

(4) A quorum of the Corporation shall be thirty constituent members thereof.

Provision if less number of bailies appointed trustees in Acts deeds etc.

11. Where in any enactment charter deed or other instrument a less number of bailies than ten are appointed trustees or members of any governing body under such enactment charter deed or other instrument the bailies in seniority of appointment shall to the number therein prescribed be deemed to be the corresponding number appointed as so required.

Appointment of judges of police.

12.—(1) Section 112 (Power to appoint judges in burgh court) of the Order of 1933 shall cease to have effect and the provisions of section 36 of the Act of 1947 shall apply and have effect in lieu thereof.

(2) Any reference in any enactment to a police court of a burgh shall in its application to the city be construed as a reference to the burgh court.

Deputy chairman of Corporation.

13.—(1) Notwithstanding anything contained in the Act of 1947 the Corporation shall annually at their meeting to be held in accordance with the provisions of section 31 of the Act of 1947 appoint a town councillor to be deputy chairman.

PART II —*cont.*

(2) In the absence of the lord provost the deputy chairman if present shall preside at all meetings of the Corporation and when so presiding shall have all the rights powers and privileges of a chairman of a meeting of the Corporation.

(3) In its application to the Corporation sub-paragraph (2) of paragraph 4 (Chairman of meeting) of Part II of the Third Schedule to the Act of 1947 shall be read and have effect as if the word " is " were deleted and the words " and deputy chairman are " substituted therefor.

Honorary treasurer.

14. Section 14 (Honorary treasurer) of the Order of 1933 shall cease to have effect and the provisions of section 30 of the Act of 1947 shall apply to the Corporation in lieu thereof.

Filling up casual vacancies in Corporation.

15. The following provisions shall notwithstanding the provisions of the Act of 1947 apply and have effect within the city (that is to say):—

(1) In the case of any vacancy in the number of town councillors for any ward occurring from any cause in the course of the year such vacancy shall be filled up by the electors of the ward and such election and the nomination of candidates shall be made and conducted and the costs and charges defrayed in all respects as at the annual election of town councillors Provided that—

(*a*) the town clerk shall as soon as conveniently may be after the occurrence of the vacancy insert in one or more newspapers published in the city a notice of such vacancy;

(*b*) the nominations of candidates by the electors of the ward shall be lodged with the town clerk not later than four of the clock afternoon of the sixth day after the notice of the vacancy is given;

(*c*) a nomination shall not be withdrawn after four of the clock afternoon of the ninth day after the notice of the vacancy is given;

(*d*) if the number of persons nominated and not subsequently withdrawn does not exceed one that person shall be held to be duly elected to fill the vacancy on the expiry of the period for lodging nominations or withdrawals as the case may be;

(*e*) if the number of persons nominated and not subsequently withdrawn exceeds one the election shall take place on a day to be appointed by the Corporation of which notice shall be given in one or more of such newspapers but shall not take place sooner than the sixth day after the publication of such notice;

(*f*) the person elected to fill the vacancy shall hold the office of councillor for the period during which the person last vacating such office might lawfully have held it;

(*g*) if such vacancy occurs within three months before the first date for the issue of the notice of election in respect of the next ensuing annual election the vacancy shall be filled up at such annual election unless the Corporation resolve that the vacancy shall be filled up by an election held under the preceding provisions of this section:

PART II —*cont.*

(2) In the case of any vacancy in the number of town councillors for any ward occurring by reason of any such member resigning his office and intimating that he desires his resignation to take effect at the date of the next ensuing annual election (which any member resigning his office may do) or where a vacancy occurs within three months before the first date for the issue of the notice of election in respect of the next ensuing annual election unless the Corporation under the provisions of paragraph (1) of this section resolve that the vacancy shall be filled up by an election held under the provisions of that paragraph any such vacancy shall be filled up at such annual election and where on that account or for any other reason more than one town councillor requires to be elected for the ward at such annual election the following provisions shall apply and have effect with respect to the duration of office and order of retiral of the members so elected for the ward (that is to say):—

(*a*) Where the number of town councillors to be elected for the ward at such annual election is three the duration of office and order of retiral of such town councillors shall be determined according to the number of votes received by them respectively and the town councillor who received the smallest number of votes shall be first in the order of retiral the town councillor who received the next smallest number of votes shall be second in the order of retiral and the town councillor who received the largest number of votes shall be last in the order of retiral;

(*b*) Where the number of town councillors to be elected for the ward at such annual election is two the duration of office and order of retiral of such town councillors shall be determined according to the number of votes received by them respectively and the town councillor who received the larger number of votes shall be last in the order of retiral for that ward and the town councillor who received the smaller number of votes shall continue in office for one or two years according as the remaining town councillor for the ward who was elected before such annual election does or does not fall to retire in ordinary course at the next ensuing annual election and the period of office of such remaining town councillor shall not be affected by reason of the two other town councillors for the ward having been elected at one and the same time;

(*c*) In the event of there not having been a contest or of there having been an equality of votes at such annual election the Corporation shall decide by lot the order of retiral at a meeting to be held as soon as conveniently may be after such annual election.

Appointment of former members of Corporation to offices.

16. Section 28 (Appointment of members of Corporation &c. to offices) of the Order of 1933 shall cease to have effect and in lieu thereof the provisions of section 101 of the Act of 1947 shall apply to the Corporation and to committees and sub-committees of the Corporation.

PART II —*cont.*

17. Any person holding office as honorary treasurer or judge of police at the commencement of this Order shall be deemed to have been elected or appointed to such office in accordance with the provisions of the Act of 1947:

Saving for existing honorary treasurer and judges of police.

Provided that such person shall retire from office on the date on which he would have retired if the Act confirming this Order had not been passed.

*D. Designation and powers of Corporation*

18.—(1) The lord provost magistrates and council of the city shall continue to be a body corporate with a common seal and they may be known called and referred to for all purposes as " the Corporation of the City of Edinburgh ".

Designation of Corporation.

(2) The Corporation may sue and be sued in their corporate name.

(3) Service on the Corporation of all legal processes and notices shall be effected by service on the town clerk.

19.—(1) The Corporation the lord provost the bailies the judges of police and the dean of guild court of the city shall continue to have and may exercise over the city and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which they respectively now have whether at common law or by royal charter or by statute or otherwise.

Powers of Corporation.

(2) All rights privileges immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the city shall continue to be enjoyed and possessed by or be incumbent on the inhabitants of the city.

20. Except as otherwise provided in this Order or in any other enactment a deed to which the Corporation is a party shall be validly executed on behalf of the Corporation if it is signed by a member of the Corporation and the town clerk either with or without the common seal being adhibited:

Execution of deeds by Corporation.

Provided that if any deed exceeds one page it shall be deemed to be validly executed if it is signed by the member of the Corporation on the last page only and by the town clerk on each page (including any annexation or plan relative thereto).

*E. Vesting of property*

21.—(1) Subject to the provisions of the city Acts the common good and all property vested in the Corporation at the commencement of this Order or to which the Corporation are entitled or which is held or administered by any person on behalf of the community of the city or for the public purposes thereof shall continue to be vested in and be held by the Corporation for the benefit of the city or to be administered by such person on behalf of the community of the city or for the public purposes thereof.

Vesting of property in Corporation.

(2) Where any property or any rights powers privileges or immunities have been transferred to or vested in the Corporation under the repealed Acts or under any Act or Order in force at the time of such transfer or vesting the same shall continue to be vested in the Corporation without the necessity of recording in the register of sasines

PART II —*cont.*

any conveyance or notice of title or other deed or writing but for the purpose of enabling the Corporation to complete a title if thought fit to any property transferred to or vested in them by virtue of the repealed Acts or any such Act or Order this Order or such Act or Order and this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

(3) Except as otherwise expressly provided in this Order nothing in this Order shall affect the powers and rights of the Corporation in respect of the common good and all property and rights of whatever description forming part of or pertaining to the common good at the commencement of this Order shall subject to the provisions of this Order continue to form part of or pertain to the common good.

### *F. Meetings and proceedings of Corporation*

Meetings etc. of Corporation.

22. Section 27 (Meetings of Corporation) of the Order of 1933 shall cease to have effect and in lieu thereof the following provisions of the Act of 1947:—

paragraphs 1 2 and 3 of Part II of the Third Schedule;

paragraph 4 of Part II of the Third Schedule (as modified in its application to the Corporation by section 13 (Deputy chairman of Corporation) of this Order); and

Part IV of the Third Schedule;

shall with any necessary modifications extend and apply to the Corporation and to any committee or sub-committee of the Corporation and to the magistrates and to meetings of the Corporation and of any such committee or sub-committee and of the magistrates.

### *G. Municipal buildings*

City chambers and other administrative buildings.

23. The city chambers and all other buildings used for administrative purposes and vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and shall be deemed to have been provided in accordance with the provisions of section 74 of the Act of 1947 and the provisions of the said section shall so far as applicable apply to the city chambers and to all such buildings accordingly.

Power to let parts of city chambers and other administrative buildings.

24. The Corporation may let or grant the use of such parts of the city chambers or of the other buildings referred to in the immediately preceding section of this Order or any of them to such persons for such periods and on such terms and conditions as they may think fit.

### *H. Registration districts etc.*

Rearrangement of registration districts.

25.—(1) Notwithstanding anything in the Registration Acts the Corporation may in connection with any rearrangement of the registration districts of the city and with the approval of the Registrar-General—

(*a*) transfer any registrar of births deaths and marriages of any such district or any assistant registrar or clerical assistant of any such registrar to another district; or

PART II —*cont.*

(*b*) terminate the appointment of any such registrar assistant registrar or clerical assistant.

(2) Every registrar assistant registrar or clerical assistant who suffers any direct pecuniary loss by the termination of his appointment in pursuance of the foregoing provisions of this section and for whose compensation for that loss no other provision is made by any enactment or statutory instrument for the time being in force shall be entitled to payment by the Corporation of compensation for that loss.

(3) The provisions set out in the Eleventh Schedule to the Act of 1947 (being provisions as to the determination and payment of compensation to officers in case of transfer of functions) shall with any necessary modifications apply for the purpose of subsection (2) of this section.

(4) The payment of compensation by way of a lump sum shall be a purpose for which the Corporation may borrow.

Registrars may have offices outside their districts.

26. Notwithstanding anything in the Registration Acts a registrar may have his known place of business or office at such place outside of the district for which he is registrar as the Corporation with the approval of the Registrar-General may deem expedient.

Posting of notices of intended marriages.

27. Notwithstanding anything in section 8 of the Marriage Notice (Scotland) Act 1878 (which relates to the posting up of particulars of intended marriages) the posting or putting up by the registrar of a notice of any intended marriage in a conspicuous and accessible place on or near the outer door of any central offices established in the city for the registration of births deaths and marriages shall be deemed to be sufficient compliance with the requirements of the said section.

*I. Miscellaneous*

As to designation of port and postal district of Leith.

28. Nothing in the city Acts shall have the effect of altering the name of the port of Leith or the postal district of Leith but this section shall not prejudice or affect the rights and powers of the Postmaster-General.

As to agricultural lands.

29. The Corporation may to such extent as they may think fit exempt any agricultural lands from the requirements of the city Acts with respect to—

(*a*) lighting and cleansing;

(*b*) the construction of sewers and drains;

(*c*) the accumulation of manure and the working and manuring of the land;

(*d*) the keeping of animals and birds; and

(*e*) the discharge of firearms.

A.D. 1958

## PART III

### OFFICERS AND SERVANTS

Existing officers to continue in office.

30. Subject to the provisions of this Order the several officers of or appointed by the Corporation and in office at the commencement of this Order shall continue to possess and exercise in their several characters and capacities the same powers and authorities as they possessed and exercised in their several characters and capacities before the commencement of this Order.

Application of provisions of Act of 1947 with respect to certain officers.

31.—(1) The following provisions of Part IV of the Act of 1947 as modified varied adapted or extended by this Part of this Order shall extend and apply with all necessary modifications to and as respects the Corporation (that is to say):—

Section 84 (Town clerk);

Section 85 (Town chamberlain);

Section 86 (Burgh collector);

Section 89 (Clerk of burgh police court);

Section 90 (Burgh prosecutor);

Section 92 (Appointment of other staff);

Section 93 (Appointment of depute or interim officers).

(2) In the application of the Act of 1947 to and as respects the Corporation the following words and expressions where used in the said Act shall have the meanings hereinafter respectively assigned to them:—

" burgh " means the city;

" burgh collector " means the city collector;

" burgh prosecutor " means the city prosecutor;

" town chamberlain " means the city chamberlain;

" town council " means the Corporation.

(3) In addition to the powers conferred by subsection (2) of section 93 of the Act of 1947 with respect to the appointment of interim officers the lord provost or acting chief magistrate may in the case of any vacancy in the office of city prosecutor make an interim appointment to the vacant office to endure until the appointment of a successor and in any event for a period not exceeding one month and the provisions of the said subsection shall apply mutatis mutandis to any interim officer appointed in terms of this subsection as if such appointment had been made in terms of subsection (2) of section 93 of the Act of 1947.

City engineer.

32.—(1) The Corporation shall from time to time appoint a fit person who shall be a chartered civil engineer to be city engineer.

(2) Any reference to the burgh engineer in the city Acts shall be deemed to be a reference to the city engineer.

PART III —*cont.*

(3) The provisions of section 93 of the Act of 1947 (other than subsections (3) and (5) thereof) shall apply to the office of city engineer as if the city engineer were included among the officers mentioned in subsection (1) thereof.

Permanent staffs.

33.—(1) Except as otherwise provided in any enactment the Corporation shall fix the number and grades of the persons to be employed on the permanent staffs of the various departments of the Corporation.

(2) Except as the Corporation may otherwise determine and subject to any enactment the head of any department shall be entitled to appoint suspend and dismiss the staff of such department:

Provided that any person so dismissed shall have a right of appeal to the Corporation.

Transfer of duties of officers.

34. Except as otherwise provided in any enactment the Corporation may at any time transfer from any of their officers to any other of their officers such duties under the city Acts or otherwise as shall in their opinion be more appropriate to the office of such other officer.

Employees to return uniform etc. on leaving employment of Corporation.

35.—(1) Every officer or servant of the Corporation to whom any clothing accoutrements or equipment have been issued for the purposes of his employment shall on the termination of his employment forthwith return all such clothing accoutrements and equipment to the head of the department of the Corporation to which he has been attached or to such person and at such time and place as such head of department shall direct.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(3) This section shall not apply to any constable.

Actions against city prosecutor and constables.

36.—(1) Where any action is brought or threatened against the city prosecutor or against any constable in consequence of anything done by the city prosecutor or such constable in the execution or intended execution of his duties the city prosecutor or in the case of any constable the chief constable shall immediately make a report of the facts and circumstances to the Corporation.

(2) The Corporation shall thereupon resolve either that such action be defended at the expense of the Corporation or that it shall not be so defended.

(3) If the Corporation resolve that such action shall be so defended they shall take over the superintendence and control of the defence of such action and shall relieve the city prosecutor or such constable from liability for the conclusions of such action.

(4) If the Corporation resolve that such action shall not be defended at their expense they shall nevertheless relieve the city prosecutor or such constable from the consequences of not defending such action if they are satisfied that as regards any proceedings or acts complained of the city prosecutor or such constable acted reasonably and within the scope of his duty and in the honest belief that his duty required or entitled him to take the proceedings or do the acts complained of.

## PART IV
## WATER

### *A. Definitions incorporation of Acts etc.*

Definitions for Part IV of Order

37. In this Part of this Order unless the subject or context otherwise requires—

" Act of 1946 " means the Water (Scotland) Act 1946;

" Act of 1949 " means the Water (Scotland) Act 1949;

" burghs " means the burghs of Bonnyrigg and Lasswade Dalkeith Loanhead Musselburgh and Penicuik and " burgh " means any one of such burghs;

" Dalmore Mill pipe " means the pipe from the well on the Talla aqueduct at Martyr's Cross to Dalmore Mill;

" day " in a context referring to a rate of flow or abstraction of water means a period of twenty-four hours reckoned from midnight;

" existing works " means the waterworks belonging to the Corporation immediately before the commencement of this Order;

" Fruid intake " means the intake situated three thousand one hundred and forty-seven yards or thereby above the confluence of the Fruid Water and the river Tweed;

" limits of supply " means the limits of the Corporation for the supply of water described in section 85 (Limits of supply) of this Order;

" Menzion intake " means the intake situated two thousand one hundred and thirty-seven yards or thereby above the confluence of the Menzion Burn and the river Tweed;

" North Pentlands aqueduct " means the aqueduct conveying water from the North Pentlands sources of supply (as described in the Third Schedule to this Order) to the city;

" Order of 1949 " means the Edinburgh and Midlothian Water Order 1949;

" Talla aqueduct " means the aqueduct conveying water from the Tweed sources of supply (as described in the Third Schedule to this Order) to the city;

" town councils " means the town councils of the burghs and " town council " in relation to any one of the burghs means the town council of that burgh;

" Water Acts " means the Water (Scotland) Acts 1946 and 1949.

Commencement of Part IV of Order.

38. This Part of this Order shall except where otherwise provided in this Order come into operation on the sixteenth day of May nineteen hundred and fifty-nine.

Repeal of city Acts relating to water undertaking.

39. The provisions of the city Acts set out in Part I of the Ninth Schedule to this Order are hereby repealed as from the commencement of this Part of this Order.

Incorporation of Fourth Schedule of Act of 1946.

40. The Fourth Schedule to the Act of 1946 (except Part III (Compensation water) and section 44) shall extend and apply to the Corporation in respect of the water undertaking to the same extent and effect as if the same had been incorporated with and formed part of this Order:

Provided that subsection (2) of section 29 of the said Fourth Schedule shall in its application to the Corporation be read and have effect

as if for the word "arbitration" therein there were substituted the words "the water engineer of the Corporation". PART IV —*cont.*

Mode of reference to arbitration.

41. The provisions of section 83 of the Act of 1946 shall apply with reference to arbitrations under this Part of this Order as it applies to arbitrations under the Act of 1946:

Provided that—

(*a*) any arbiter appointed in accordance with the provisions of the said section shall have the power—

(i) by notice in writing to require any person to attend at the time and place set forth in the notice to give evidence or to produce any books documents and accounts in his custody or under his control which relate to any matter in question at the arbitration;

(ii) to administer oaths to witnesses and examine witnesses on oath; and

(iii) to award expenses; and

(*b*) if any question of law arises in the course of any such arbitration the said arbiter shall at the request of either party state a case for the opinion of the Court of Session and the opinion of the court shall be final.

*B. Vesting water rights etc.*

Water undertaking to continue vested in Corporation.

42. The water undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Power to take waters.

43. Subject to the provisions of this Part of this Order the Corporation may by means of the existing works continue to collect impound intercept take use divert and appropriate for all purposes of and connected with the water undertaking the waters of all springs lochs rivers and streams which may be collected impounded intercepted or diverted by means of the existing works and without prejudice to the foregoing generality the waters of the springs lochs rivers and streams specified in the Third Schedule to this Order which are so collected impounded intercepted or diverted.

Power to afforest lands.

44.—(1) The Corporation may plant with trees any lands vested in them for the purposes of the water undertaking which they may deem suitable for afforestation and any such lands so planted shall not be deemed to be superfluous lands within the meaning of any enactment.

(2) The Corporation may—

(i) establish and carry on nurseries for trees;

(ii) exercise all such powers as may be necessary or expedient for disposing of and dealing with the timber grown on any such lands (including the operation of saw mills);

(iii) enter into agreements with the Forestry Commissioners with respect to the management or supervision by the Forestry Commissioners of any woods or forests planted on any of such lands and with respect to the planting or afforestation of any of the said lands.

(3) The exercise of the powers conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied.

(4) Nothing in this section shall be in derogation of the provisions of the Forestry Acts 1919 to 1951.

PART IV —*cont.*

Prohibiting fouling of reservoirs etc.

45.—(1) Any person who—

(*a*) bathes in any reservoir aqueduct or other waterwork of the Corporation (all or any of which are hereinafter in this section referred to as " reservoir "); or

(*b*) causes or permits any animal to go into any reservoir; or

(*c*) washes any animal in any reservoir; or

(*d*) throws any wood gravel stone rubbish filth or other offensive thing into or washes or cleanses any cloth wool leather or skin of any animal or any wearing apparel or other thing in any reservoir; or

(*e*) causes or permits the water or the contents of any dam sink sewer or drain belonging to him or under his control or any filthy water to run or be conveyed into any reservoir or into any spring river stream or watercourse flowing into any reservoir or commits or causes any act whereby the water of the Corporation is fouled or corrupted;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a daily penalty of five pounds.

(2) The provisions of paragraph (*b*) of the preceding subsection shall not apply in relation to Glencorse reservoir unless such reservoir is enclosed by a stock-proof fence.

Temporary discharge of water into streams etc.

46.—(1) Notwithstanding anything in any enactment the Corporation may subject to the provisions of section 24 of the Rivers (Prevention of Pollution) (Scotland) Act 1951 at any time for the purpose of repairing examining emptying or cleansing any reservoir filter tank aqueduct conduit or pipe of the Corporation cause the water in any such reservoir filter tank aqueduct conduit or pipe to be temporarily discharged into any available drain stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power.

(3) Any question arising under this section as to the fact of damage or as to the amount of compensation shall in case of dispute be determined by arbitration.

Purchase of sporting and other rights.

47.—(1) The Corporation and the owner lessee or occupier of any fishing shooting sporting boating or other rights in over or on any of the reservoirs of the Corporation or over any adjoining lands belonging to the Corporation may enter into and carry into effect agreements for the acquisition by the Corporation of any such rights.

(2) On the acquisition by the Corporation of any such rights the provisions of this Part of this Order so far as they prohibit the Corporation from exercising the rights so acquired shall cease to have effect.

Acquisition of minerals by agreement.

48. For the protection of the water undertaking from injury by subsidence or otherwise the Corporation may by agreement acquire any mines or minerals under—

(*a*) any lands for the time being vested in the Corporation for the purposes of the water undertaking; or

(*b*) any lands in or through which they possess servitudes or wayleaves; or

PART IV —*cont.*

(*c*) any lands in on or through which any works aqueducts or lines of pipes of the Corporation are for the time being situated or pass; or

(*d*) any land adjoining any such lands respectively:

Provided that as regards coal and mines of coal now vested in the National Coal Board the powers of the Corporation under this section shall be subject to the provisions of the Coal Act 1938.

Saving of rights in Union Canal.

49. Nothing in this Part of this Order shall prejudice or affect any existing statutory rights of the Corporation in the Union Canal or the provisions of section 44 (For protection of Edinburgh and District Water Trust rights in canal water) of the North British Railway Act 1913.

For protection of transport commission.

50.—(1) The repeal by this Order of section 60 (For protection of London and North Eastern and London Midland and Scottish Railway Companies) of the Edinburgh Corporation Water Order 1924 shall not prejudice or affect any rights powers duties or obligations conferred or imposed by the said section in relation to any works or apparatus constructed placed or laid before the commencement of this Part of this Order across along over under or so as to affect any railway canal works lands or property of the transport commission.

(2) As from the commencement of this Part of this Order the said rights powers duties and obligations shall be deemed to be the rights powers duties and obligations of the transport commission on the one hand and of the Corporation on the other hand.

Compensation water to be in full settlement.

51. The provisions of this Part of this Order with respect to the discharge of compensation water shall be deemed to have been accepted by all persons interested as providing full compensation for all water impounded intercepted taken used diverted or appropriated by the existing works of the Corporation.

### *C. Provisions as to sources of supply*

#### *Tweed sources*

Compensation water from Talla reservoir.

52. During the period from the first day of May to the thirtieth day of September in each year (both dates inclusive) the Corporation shall continue to discharge or cause or permit to flow into the Talla Water from Talla reservoir not less than three million six hundred and fifty thousand gallons of water per day in a uniform and continuous flow.

For protection of proprietors of (*a*) the estate of Hearthstanes and (*b*) the farm and lands of Menzion.

53. The following provisions for the protection of the respective proprietors for the time being of—

(*a*) the estate of Hearthstanes; and

(*b*) the farm and lands of Menzion;

all in the county of Peebles (each of whom is for his respective interests referred to in this section as " the proprietor ") shall unless otherwise agreed in writing between the Corporation and the proprietor apply and have effect (that is to say):—

(A) The Corporation shall continue to maintain at their own expense—

(i) the stob and wire fence separating the farms and lands of the proprietor from the Talla Water;

(ii) the drinking troughs for the watering of animals in the fields of the proprietor adjoining the Talla Water;

PART IV —*cont.*

(iii) the pipes and branches therefrom for the supply of water to such troughs and the tile drains for carrying away the overflow from such troughs; and

(iv) the drainage pipes and connections therefrom provided by the Corporation in pursuance of the repealed Acts;

(B) The Corporation shall continue to provide for all time supplies of water free of charge to the drinking troughs referred to in the preceding paragraph and to the house known as The Inch Tweedsmuir;

(C) The proprietor shall give all facilities or wayleaves necessary for laying inspecting repairing and renewing the pipes referred to in paragraph (A) of this section and that free of expense to the Corporation other than payment of surface damages caused through such operations and any question as to the fact or amount of any such damages shall in case of dispute be determined by arbitration; and

(D) The Corporation shall not be liable for any loss or damage arising from or in consequence of any interruption of the supply of water provided by them under this section due to any cause not within their control but they shall as soon as reasonably practicable take steps to restore the supply of water which may be interrupted from any such cause.

For protection of proprietor of Crook Hotel.

54.—(1) The proprietor for the time being of the Crook Hotel in the parish of Tweedsmuir and county of Peebles shall continue to have the following fishing rights in Talla reservoir (that is to say):—

(*a*) the right to put a boat on the reservoir and to issue permits for fishing therefrom restricted to two rods and to Tuesday Thursday and Saturday in any week; and

(*b*) the right to issue permits to fishers from the banks of the reservoir restricted to two rods and to Monday Wednesday and Friday in any week.

(2) The holders of any permits issued in accordance with the provisions of this section shall comply with such reasonable conditions as may be prescribed by the Corporation for the protection of Talla reservoir from pollution.

Restriction on taking waters from Fruid and Menzion

55.—(1) The Corporation shall not abstract from the Fruid Water in any day a quantity of water greater than twenty-five million gallons.

(2) The Corporation shall not abstract at any time from the Fruid Water such a quantity of water as will reduce to less than a rate of two and one-half million gallons per day the quantity then flowing therein over the gauge number 3 specified in the Fourth Schedule to this Order.

(3) The Corporation shall not abstract from the Menzion Burn in any day a quantity of water greater than fifteen million gallons.

(4) The Corporation shall not abstract at any time from the Menzion Burn such a quantity of water as will reduce to less than a rate of

six hundred and twenty-five thousand gallons per day the quantity then flowing therein over the gauge number 5 specified in the Fourth Schedule to this Order. PART IV —*cont.*

(5) The Corporation shall not abstract any water from the Fruid Water or the Menzion Burn when Talla reservoir is overflowing.

Facilities for passage of migratory fish in Fruid and Menzion

56. For the purpose of facilitating the passage of migratory fish in the Fruid Water and the Menzion Burn the Corporation shall—

(*a*) maintain and operate to the satisfaction of the Secretary of State the fish passes constructed by them in pursuance of the repealed Acts at the Fruid intake and at the Menzion intake;

(*b*) maintain the existing hecks and screens constructed by them in pursuance of the repealed Acts for preventing fish from entering the Fruid intake or the Menzion intake;

(*c*) so far as it is reasonably practicable and provided the natural flow is sufficient for the purpose so regulate the abstraction of water from the Fruid Water and from the Menzion Burn as to ensure that in each period of seven days occurring from the twenty-eighth day of September and up to and including the thirtieth day of November in each year there shall be maintained—

(i) in the Fruid Water immediately below the gauge number 3 specified in the Fourth Schedule to this Order throughout at least one period of twelve hours or in the option of the Corporation two periods each of six hours a flow of water at the rate of not less than fifteen million gallons per day; and

(ii) in the Menzion Burn immediately below the gauge number 5 specified in the Fourth Schedule to this Order throughout at least one period of twelve hours or in the option of the Corporation two periods each of six hours a flow of water at the rate of not less than four million gallons per day.

For protection of proprietor of Waverley Mills Innerleithen.

57. The following provisions shall unless otherwise agreed in writing between the parties apply and have effect for the protection of the proprietor for the time being of the Waverley Mills Innerleithen (in this section referred to as " the proprietor ") that is to say:—

(*a*) if by reason of the abstraction by the Corporation of water from the Talla Water the Gameshope Burn the Fruid Water or the Menzion Burn the proprietor finds it necessary at any time to carry out any works in respect of—

(i) the lowering of the end of the suction pipe by means of which water is pumped up from the river Tweed to the said mills;

(ii) the deepening of the well; or

(iii) the making of any provision to allow a free flow of water from the river Tweed into the said well as so deepened;

the Corporation shall repay to the proprietor the cost which he may reasonably incur in carrying out such works;

PART IV —*cont.*

(*b*) any dispute between the Corporation and the proprietor regarding either the necessity for the said works or the amount of the said costs shall be determined by arbitration.

*Moorfoot sources*

Compensation water from Rosebery reservoir.

58.—(1) The Corporation shall continue to maintain Rosebery reservoir and shall continue to discharge or cause or permit to flow therefrom into the river South Esk not less than two million nine hundred and thirty-nine thousand five hundred and eighty-three gallons of water per day in a uniform and continuous flow.

(2) In the event of the water flowing naturally into the Rosebery reservoir being insufficient at any time to provide the said quantity the Corporation shall make good such deficiency by the discharge of water from Gladhouse reservoir to the extent that water in that reservoir is available.

Compensation water from Edgelaw reservoir.

59.—(1) The Corporation shall continue to maintain Edgelaw reservoir for the purpose of discharging compensation water into the Fullarton Burn.

(2) The discharge of compensation water from Edgelaw reservoir shall be under the control of a committee consisting of the proprietors for the time being of the estates of Arniston Rosebery Newbattle Dalhousie and Dalkeith which committee shall from time to time determine the quantity of water to be so discharged and such quantity shall be discharged in a uniform and continuous flow.

(3) The provisions of subsections (5) and (6) of section 66 (Committee of mill owners etc.) of this Order shall mutatis mutandis apply in relation to the said committee.

(4) In the absence of any instructions from the said committee the discharge of compensation water from Edgelaw reservoir shall be regulated by the Corporation.

Keeper of Edgelaw reservoir.

60.—(1) The Corporation shall from time to time appoint a keeper of Edgelaw reservoir and shall maintain a suitable dwelling-house near to such reservoir for the occupation of the said keeper.

(2) The said keeper shall regulate the discharge of water from Edgelaw reservoir in accordance with the instructions from time to time issued to him in writing by the committee referred to in the immediately preceding section of this Order:

Provided that if he has reasonable cause to apprehend any damage to the banks of the said reservoir or to sluices from floods or otherwise he may for the time being disregard such instructions and discharge such greater or less quantity of water as he may consider necessary.

Compensation water from Portmore reservoir.

61.—(1) The Corporation shall continue to discharge or cause or permit to flow into the Loch Burn from Portmore reservoir (otherwise known as "Portmore Loch") not less than thirty-six thousand gallons of water per day in a uniform and continuous flow.

(2) Article fourth of the minute of agreement between the Edinburgh and District Water Trustees and Colin James Mackenzie of Portmore dated the twenty-seventh and thirtieth days of April eighteen hundred and seventy-four is hereby annulled.

62.—(1) The Corporation shall continue to provide free of charge sufficient water for the supply of the farm house and steading of Westloch farm and the turbine at the said farm steading but not exceeding the quantity supplied for such purposes on the twenty-seventh day of October nineteen hundred and forty-eight. As to free supply to Westloch farm house and steading.

(2) The provisions of section 28 of the Act of 1949 shall apply and have effect in relation to the supply of water referred to in the preceding subsection.

*North Pentlands sources*

63. The Corporation shall continue to maintain Harlaw Threipmuir Harperrig and Crosswood reservoirs for the purpose of supplying compensation water. Corporation to maintain North Pentlands compensation reservoirs.

64. The compensation water from Harlaw and Threipmuir reservoirs shall be discharged or caused or permitted to flow into the Bavelaw Burn and subject to the provisions of this head of this Part of this Order shall be regulated by the committee to be appointed in accordance with the provisions of paragraph (*a*) of subsection (1) of section 66 (Committee of mill owners etc.) of this Order. Discharge of compensation water from Harlaw and Threipmuir reservoirs.

65. The compensation water from Harperrig reservoir (which shall not at any time be less than three hundred and seventy-four thousand four hundred gallons per day) shall be discharged or caused or permitted to flow into the Water of Leith in a uniform and continuous flow and subject to the provisions of this head of this Part of this Order shall be regulated by the committee to be appointed in accordance with the provisions of paragraph (*b*) of subsection (1) of section 66 (Committee of mill owners etc.) of this Order. Discharge of compensation water from Harperrig reservoir.

66.—(1) (*a*) The committee to be appointed from time to time for the purpose of regulating the discharge of compensation water from Harlaw and Threipmuir reservoirs shall be appointed by the owners and occupiers of mills on the Bavelaw Burn and the Water of Leith and shall consist of two occupiers of mills on the Bavelaw Burn (of whom the manager of the works at Malleny Mills shall be one) and three occupiers of mills on the Water of Leith below its confluence with the Bavelaw Burn. Committee of mill owners etc.

(*b*) The committee to be appointed from time to time for the purpose of regulating the discharge of compensation water from Harperrig reservoir shall be appointed by the owners and occupiers of mills and manufactories on the Water of Leith and shall consist of five occupiers of mills or manufactories on the Water of Leith.

(2) In the case of each of the said committees (each of which is in this section hereinafter referred to as " the committee ") the members shall be appointed at a meeting to be held in the city of which notice shall be given by advertisement specifying the date time and place at which such meeting is to be held.

(3) Notice of such meeting and of all meetings of the committee shall be inserted by any two or more of the owners or occupiers by

PART IV —*cont.*

whom the committee is appointed twice at least in any two or more newspapers published in the city not more than twenty nor less than five clear days before the meeting.

(4) The members of the committee shall hold office for a period of five years provided that in the event of any casual vacancy occurring either by the death or resignation of any member (other than an ex officio member) such vacancy shall be filled in the same manner as in the case of the appointment of the committee.

(5) The Corporation shall pay the reasonable expenses of the committee which in case of dispute shall on the application of either party be determined by the sheriff whose decision shall be final.

(6) In the event of the members of the committee differing in opinion any two or more of them may complain to the sheriff of any resolution order or act of the committee and the sheriff may make such order as he thinks fit and his decision shall be final and not subject to review.

(7) In the event of failure to appoint a committee as aforesaid the discharge of compensation water from Harlaw and Threipmuir reservoirs or from Harperrig reservoir as the case may be shall subject to the provisions of section 64 (Discharge of compensation water from Harlaw and Threipmuir reservoirs) or of section 65 (Discharge of compensation water from Harperrig reservoir) as the case may be of this Order be regulated by the Corporation.

Keepers of Harlaw and Threipmuir and of Harperrig reservoirs.

67.—(1) The Corporation shall from time to time appoint keepers of Harlaw and Threipmuir reservoirs and of Harperrig reservoir respectively and shall maintain suitable dwelling-houses near to such reservoirs respectively for the occupation of the said keepers.

(2) The said keepers shall regulate the discharge of water from Harlaw and Threipmuir reservoirs and from Harperrig reservoir respectively in accordance with the instructions from time to time issued to them in writing by the respective committees referred to in the immediately preceding section of this Order:

Provided that if either of the said keepers has reasonable cause to apprehend any damage to the banks of the reservoirs or reservoir of which he is the keeper or to sluices from floods or otherwise he may for the time being disregard such instructions and discharge such greater or less quantity of water as he may consider necessary.

Right of fishing etc. in Harlaw and Threipmuir reservoirs reserved to proprietors of lands.

68.—(1) The proprietors for the time being of the lands on which Harlaw and Threipmuir reservoirs are constructed (hereinafter in this section referred to for their respective interests as " the proprietors ") shall continue to possess the exclusive rights of fishing shooting and sporting in or over the said reservoirs so far as the said reservoirs are constructed on the lands of the proprietors and also of keeping and using boats on the said reservoirs.

(2) The proprietors shall not in the exercise of such rights injure the embankments of the said reservoirs or enter upon the head embankments thereof.

(3) Notwithstanding anything in this section the Corporation may keep and use on the said reservoirs any boats necessary for inspecting repairing and maintaining their works.

PART IV —*cont.*

69. Nothing in this Part of this Order shall prejudice or affect the rights of the proprietor for the time being of the estate of Dalmahoy with respect to the supply of water free of charge to Harperrig Farm under the minute of agreement between the Edinburgh and District Water Trustees and the Right Honourable Sholto George Watson Douglas Earl of Morton dated the ninth and twelfth days of November eighteen hundred and ninety-six. Saving for free supply of water to Harperrig Farm.

70. The Corporation shall continue to discharge or cause or permit to flow into the Crosswood Burn from Crosswood reservoir not less than seven hundred and twenty thousand gallons of water per day in a uniform and continuous flow. Discharge of compensation water from Crosswood reservoir.

71. The Corporation shall continue to discharge or cause or permit to flow into the Cowburn from the North Pentlands aqueduct twenty-eight thousand eight hundred gallons of water per day in a uniform and continuous flow. Discharge of water into Cowburn.

72.—(1) The Corporation shall discharge or cause or permit to flow— Discharge of water into Dean and Bonaly Burns.

(*a*) from Bonaly reservoir into the Dean Burn above its confluence with the Bonaly Burn not less than one hundred and eighty thousand gallons of water per day in a uniform and continuous flow; and

(*b*) from Torduff reservoir into the Bonaly Burn above the confluence of the Torduff Burn with the Dean Burn not less than three hundred and sixty thousand gallons of water per day in a uniform and continuous flow.

(2) The Corporation may from time to time suspend or reduce the discharge or flow of water from Bonaly reservoir into the Dean Burn in terms of paragraph (*a*) of the preceding subsection but during the period of any such suspension or reduction the amount of water to be discharged or caused or permitted to flow from Torduff reservoir into the Bonaly Burn in terms of paragraph (*b*) of the preceding subsection shall be correspondingly increased.

73. The Corporation shall continue to supply from the North Pentlands aqueduct to the Kinleith Paper Mill at the existing points of discharge one hundred and fifty-three thousand gallons of water per day in a uniform and continuous flow. Supply of water to Kinleith Paper Mill.

74.—(1) Except as may be otherwise agreed the Corporation shall continue to supply from the North Pentlands aqueduct to Gorgie Mill during the time that the manufacture of glue is carried on at the said mill fifty gallons of water per minute. Supply of water to Gorgie Mill.

(2) The Corporation shall not be bound to supply such water for a shorter period than one month at a time and the delivery thereof shall be discontinued and resumed by them on receiving one week's notice from the occupier of the said mill.

(3) The whole periods during which such supply shall continue shall not in the aggregate exceed eight months in any year.

PART IV —*cont.*

*South Pentlands sources*

Compensation water to Glencorse Burn.

75.—(1) Subject to the provisions of this head of this Part of this Order the Corporation shall continue to discharge or cause or permit to flow into the Glencorse Burn one million four hundred and thirty thousand gallons of compensation water per day in a uniform and continuous flow.

(2) The said compensation water may be discharged from the Talla aqueduct or discharged or caused or permitted to flow from Glencorse reservoir or partly from the Talla aqueduct and partly from Glencorse reservoir as the Corporation may think fit.

(3) The water draining naturally into the Glencorse Burn between Glencorse reservoir and the gauge number 15 specified in the Fourth Schedule to this Order shall continue to be computed as part of the said compensation water.

Compensation water to Dalmore Paper Mill.

76.—(1) The Corporation shall continue to discharge from the Talla aqueduct at the existing point of delivery at or near the termination of the Dalmore Mill pipe not less than five hundred thousand gallons of water per day in a uniform and continuous flow and at a head of not less than one hundred and twelve feet above the termination of the Dalmore Mill pipe:

Provided that in the event of any interruption due to repairs or renewals of or cleaning operations on the Dalmore Mill pipe and so long as such interruption shall continue the quantity of water to be discharged or caused or permitted to flow into Glencorse Burn from the Talla aqueduct or Glencorse reservoir (as the case may be) in accordance with the provisions of section 75 (Compensation water to Glencorse Burn) of this Order shall be correspondingly increased.

(2) The Corporation shall continue to maintain the meter provided by them in pursuance of the repealed Acts at the point of delivery through which the quantity of water specified in the preceding subsection shall be discharged and such meter shall be under the sole management and control of the Corporation and shall be open to the inspection at all reasonable times of all persons having an interest in the said water.

(3) The Corporation shall not be liable for any loss or damage arising from or in consequence of any interruption in the flow of the said quantity of water due to any cause not within their control or during any necessary repairs renewals or cleaning operations.

As to use of Glencorse compensation water.

77. The respective owners lessees and occupiers for the time being of lands mills manufactories and works on the Glencorse Burn and the river North Esk shall use the water provided in accordance with the provisions of section 75 (Compensation water to Glencorse Burn) and section 76 (Compensation water to Dalmore Paper Mill) of this Order only as riparian owners or as they were entitled to use the waters flowing in the said burn or river immediately before the tenth day of August nineteen hundred and fourteen.

PART IV —*cont.*

78.—(1) For the avoidance of doubt it is hereby declared that the obligations on the Corporation with regard to the provision of supplies of water free of charge contained in the agreements set forth in the Fifth Schedule to the Edinburgh and District Water Order 1914 and confirmed by section 21 (Confirmation of agreements) of the said Order are obligations within the meaning of subsection (4) of section 28 of the Act of 1949.

As to free supplies to Glencorse Loganbank and Bush estates.

(2) If and when the obligation contained in article first of the agreement between the Edinburgh and District Water Trustees and Alexander Wood Inglis set forth in the said schedule is terminated in accordance with the provisions of subsections (1) or (2) of section 28 of the Act of 1949 the provisions of paragraph (3) of section 20 (Provisions as to compensation water to Glencorse Burn and user of Glencorse reservoir) of and the Fourth Schedule to the Edinburgh and District Water Order 1914 so far as relating to the discharge of thirty thousand gallons of compensation water daily at or near Milton Mill shall cease to have effect.

(3) If and when the obligation contained in article first of the agreement between the Edinburgh and District Water Trustees and the trustees of Alexander Edmund Coutts Trotter and another set forth in the said schedule is terminated in accordance with the provisions of subsections (1) or (2) of section 28 of the Act of 1949 the provisions of paragraph (3) of section 20 (Provisions as to compensation water to Glencorse Burn and user of Glencorse reservoir) of and the Fourth Schedule to the Edinburgh and District Water Order 1914 so far as relating to the discharge of twenty thousand gallons of compensation water daily at or near Bush West Lodge shall cease to have effect.

*Penicuik sources*

Compensation water from Quarrel Burn reservoir.

79. The Corporation shall continue to discharge or cause or permit to flow into the Quarrel Burn not less than thirty thousand gallons of water per day in a uniform and continuous flow.

Fencing of Quarrel Burn reservoir.

80. The Corporation shall continue to keep Quarrel Burn reservoir fenced by a stock-proof fence.

Compensation for damage to estates of Penicuik and Loganhouse.

81.—(1) The Corporation shall compensate the proprietors for the time being of the estates of Penicuik and Loganhouse and their tenants for all loss or damage caused by or in consequence of their operations in maintaining Quarrel Burn reservoir and the works connected therewith.

(2) Any question arising under this section as to the fact of loss or damage or as to the amount of compensation shall in case of dispute be determined by arbitration.

For protection of Alexander Cowan and Sons Limited.

82. Nothing in this Part of this Order shall prejudice or affect the rights of Alexander Cowan and Sons Limited Valleyfield Mills Penicuik under the agreement between them and the provost magistrates and councillors of the burgh of Penicuik dated third and nineteenth August and registerad in the books of council and session on twentieth October all in the year nineteen hundred and thirty-one to which agreement

PART IV —*cont.*

the Corporation became parties in place of the said provost magistrates and councillors in accordance with the provisions of section 12 of the Order of 1949.

*Fountainhall sources*

Restriction on taking water *from Pirntaton* Burn.

83. The Corporation shall not abstract at any time from the Pirntaton Burn such a quantity of water as will reduce to less than ten thousand gallons per day the quantity then flowing therein immediately below the gauge number 17 specified in the Fourth Schedule to this Order.

*D. Maintenance of gauges*

Maintenance of gauges.

84.—(1) Subject to the provisions of this Part of this Order the Corporation shall continue to maintain each of the gauges specified in the first column of the Fourth Schedule to this Order in the situations and for the purposes respectively specified in the second and third columns of the said schedule opposite to each such gauge.

(2) All such gauges shall be under the sole management and control of the Corporation.

(3) Each such gauge shall be open to the inspection at all reasonable times of all persons having an interest in the flow of the river or stream on which such gauge is situated or of persons duly authorised by them and producing if required some duly authenticated document showing their authority.

(4) If any difference arises between the Corporation and any person interested as aforesaid with reference to the state of repair or condition of any such gauge such difference shall be settled by arbitration.

*E. Limits of supply and supply provisions*

Limits of supply.

85.—(1) The limits for the supply of water by the Corporation shall be—

(i) the city;

(ii) the landward area of the county; and

(iii) the burghs.

(2) Any premises outside the limits of supply to which the Corporation are supplying water and to which they were supplying water at the commencement of this Order shall for the purposes of this Order and of any other enactment relating to the supply of water be deemed to be within the limits of supply.

(3) The Corporation shall notwithstanding anything in any Act be the local water authority for the purposes of the Water Acts and of this Order within the limits of supply but without prejudice to the powers and duties of the county council and the town councils as local authorities for the purposes of the Water Acts within the county and within their respective burghs.

Supply of water in county of Peebles.

86. The Corporation shall continue to supply water to premises in the landward area of the county of Peebles supplied with water by them at the commencement of this Part of this Order.

Supply of water to Leith Docks.

87.—(1) Notwithstanding anything in this Part of this Order the Corporation shall give to the dock commission a supply of water in bulk for the shipping at the port of Leith for supplies to tenants on

he dock estate and for the purposes of the harbour and docks of Leith and that upon such terms and conditions and at such rates or charges as may be agreed upon between the Corporation and the dock commission or as failing agreement may be determined by arbitration.

(2) The Corporation and the dock commission may enter into and carry into effect agreements with respect to such supplies and the distribution thereof.

Supply of water to shipping and aircraft.

88. Subject to the provisions of section 87 (Supply of water to Leith Docks) of this Order the Corporation may supply ships or aircraft with water and may make such reasonable charge for water so supplied as they think fit.

Power to supply water beyond limits of supply.

89. The Corporation may enter into and carry into effect agreements with any person for the supply of water in bulk or otherwise beyond the limits of supply to such person for any purpose on such terms and conditions and for such period as may be agreed upon:

Provided that such supply—

(*a*) shall not prejudicially affect or restrict the supply of water for any purpose within the limits of supply; and

(*b*) shall not be given except with the consent of the local water authority within whose limits of supply the water is to be supplied.

Limitation of height for water supply.

90.—(1) Notwithstanding anything in any enactment the Corporation shall not be required to supply water within the city at a height within the respective districts hereinafter mentioned greater than the respective heights above ordnance datum level hereinafter prescribed (that is to say):—

| | |
|---|---|
| District marked No. 1 ... ... ... ... | 100 feet |
| District marked No. 2 ... ... ... ... | 120 feet |
| District marked No. 3 ... ... ... ... | 140 feet |
| Districts marked Nos. 4 and 5 ... ... ... | 160 feet |
| District marked No. 6 ... ... ... ... | 180 feet |
| District marked No. 7 ... ... ... ... | 200 feet |
| Districts marked Nos. 8 and 9 ... ... ... | 220 feet |
| District marked No. 10 ... ... ... ... | 240 feet |
| Districts marked Nos. 11 12 and 13 ... ... | 260 feet |
| Districts marked Nos. 14 and 15 ... ... ... | 280 feet |
| District marked No. 16 ... ... ... ... | 300 feet |
| District marked No. 17 ... ... ... ... | 320 feet |
| Districts marked Nos. 18 and 19 ... ... ... | 340 feet |
| District marked No. 20 ... ... ... ... | 360 feet |
| Districts marked Nos. 21 and 22 ... ... ... | 400 feet |
| District marked No. 23 ... ... ... ... | 440 feet |
| District marked No. 24 ... ... ... ... | 500 feet |
| District marked No. 25 ... ... ... ... | 550 feet |

PART IV —*cont.*

(2) The Corporation shall not be bound to supply water to within thirty feet of any of the heights respectively specified in the immediately preceding subsection between the hours of nine of the clock in the forenoon and five of the clock in the afternoon of any day.

(3) Where any storey of any premises within any of the districts specified in subsection (1) of this section is at a greater level than the prescribed height an intermittent supply of water shall be given when practicable on the owners or occupiers of such premises providing and maintaining at their own expense suitable cisterns and other apparatus for the reception and storage of the water.

(4) The districts specified in subsection (1) of this section are shown on the plan signed in duplicate by the Right Honourable the Earl of Liverpool chairman of the commissioners to whom the Edinburgh Corporation Water Order 1924 was referred and of which in pursuance of the repealed Acts one copy was deposited at the Scottish Office Whitehall London and the other copy was deposited in the office of the town clerk.

(5) The copy of the said plan deposited with the town clerk shall be open to the inspection of all persons interested at all reasonable times.

As to supplies from trunk mains.

91. Notwithstanding anything in any enactment a person shall not be entitled to demand a supply of water from a trunk main belonging to the Corporation.

Pipes attached or altered without notice may be removed.

92.—(1) The Corporation may remove any pipe or apparatus affixed in contravention of this Part of this Order or of the Water Acts or restore to its former state any existing pipe or apparatus altered in contravention thereof.

(2) The expenses reasonably incurred by the Corporation in any such removal or restoration may be recovered by them as a civil debt from the person who affixed or altered such pipe or apparatus.

Testing of water fittings.

93.—(1) A person shall not fit up or instal any water fittings in any premises supplied or proposed to be supplied with water by the Corporation unless such water fittings have been tested by the Corporation and stamped by them as complying with the requirements of any byelaws made by them under the provisions of section 60 of the Act of 1946 and for the time being in force or otherwise tested to the satisfaction of the Corporation:

Provided that any water fittings tested and stamped at any testing station approved by the Corporation from time to time shall for the purposes of this subsection be deemed to have been tested and stamped by the Corporation.

(2) The Corporation may demand and take for the testing of water fittings such reasonable charges as may be fixed by them from time to time.

(3) Any person acting in contravention of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

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As to liability for contravention of water byelaws.

94.—(1) In the case of any alleged contravention of any byelaw made by the Corporation under section 60 of the Act of 1946 proceedings may be taken against—

(*a*) any person at whose expense or on whose behalf any work alleged to have been carried out in contravention of any such byelaw was carried out;

(*b*) any person undertaking the carrying out of such work; and

(*c*) any person employed in an advisory or supervisory capacity in connection with the carrying out of such work;

or any of them and such persons or any of them found guilty of contravening any such byelaw shall for the purposes of subsection (2) of section 60 and subsection (3) of section 62 of the Act of 1946 be deemed to have contravened the provisions of a byelaw made under the said section 60.

(2) In the case of a person at whose expense or on whose behalf any such work has been carried out it shall be a defence in any proceedings in relation to an alleged contravention of any such byelaw that he did not know and had not any reasonable ground for suspecting that such work did not comply with or contravened the requirements of such byelaw.

Re-use of water used for cooling purposes.

95.—(1) Where as regards any premises in which water supplied by the Corporation for other than domestic purposes is used for cooling purposes the Corporation are satisfied that in order to prevent undue consumption of water the water used for such purposes should be re-used they may by notice in writing require the occupier of such premises to re-use such water for cooling purposes and for that purpose to instal within such period as may be specified in such notice such apparatus as is reasonably practicable to enable such water to be re-used.

(2) If any difference arises between any such occupier and the Corporation as to—

(i) whether it is reasonable to require such occupier so to re-use such water and if so to what extent; or

(ii) whether the installation and operation of apparatus for such re-use of such water is reasonably practicable;

such difference shall be settled by arbitration.

(3) (*a*) The occupier of any premises who after being required by the Corporation to instal apparatus for the re-use of such water fails to instal or thereafter to maintain and operate adequate and effective apparatus for such re-use of such water shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a daily penalty of five pounds.

(*b*) An occupier shall not be deemed to be guilty of an offence under the preceding paragraph of this subsection if—

(i) he takes other effective measures to prevent undue consumption of water; or

(ii) the failure to maintain or operate the apparatus is due to the breakdown thereof or to the execution of works of repair or maintenance accident or other unavoidable cause.

(4) In determining any question arising under subsection (2) of this section regard shall be had to all relevant circumstances including the cost to the occupier of installation operation and maintenance of any apparatus and of executing any other works necessitated by such installation.

PART IV —*cont.*

Power to cut off water in case of contravention.

96. If any person supplied with water by the Corporation wilfully does or causes or permits to be done anything in contravention of any of the provisions of this Part of this Order or wilfully fails to do anything which thereunder ought to be done for the prevention of waste misuse or contamination or undue consumption of water the Corporation may—

(*a*) cut off or stop up any pipe by or through which water is supplied to him and may cease to supply him with water so long as the cause of injury remains or is not remedied; and

(*b*) recover as a civil debt from the person so offending the amount of any damages sustained by reason thereof.

Notice of discontinuance.

97. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it is in writing signed by or on behalf of the consumer and is left at or sent by post to the office of the water engineer of the Corporation or is given by the consumer personally at such office.

*F. Water committee*

Water committee.

98.—(1) The Corporation shall continue to have a committee which shall be known as the " water committee " and subject to the provisions of the standing orders of the Corporation the functions of the Corporation as local water authority shall stand referred or be delegated (as the case may be) to the water committee.

(2) The standing orders of the Corporation shall except in so far as inconsistent with the provisions of this Order apply to the water committee in the same manner as they apply to the other committees of the Corporation.

(3) Any alteration of the standing orders of the Corporation in force at the commencement of this Part of this Order or resolution of the Corporation affecting the powers of the water committee shall not unless by agreement between the Corporation the county council and the town councils receive effect without the approval of the Secretary of State.

Water committee to be appointed annually.

99. The water committee shall be appointed annually by the Corporation at the same time as the other standing committees of the Corporation are appointed.

Constitution of water committee.

100.—(1) The water committee shall consist of fifteen members of whom—

(*a*) ten shall be members of the Corporation;

(*b*) three shall be members of the county council elected for the landward area to be nominated by the county council;

(*c*) two shall be nominated by the town councils jointly each of such members being a member of one of the town councils.

PART IV —*cont.*

(2) The Corporation shall appoint one of the members of the water committee being a member of the Corporation to be the chairman of the water committee.

(3) In the event of the town councils at any time failing to agree as to the nomination of the two members of the water committee referred to in paragraph (*c*) of subsection (1) of this section the town council of each of the burghs shall submit the name of one of their members to the town clerk and the Corporation shall at a public meeting determine by lot which two of the persons whose names have been so submitted shall serve as members of the water committee and such persons shall serve as members of the water committee until such time as the town councils agree as to the persons to be nominated by them and until such last-mentioned persons have been appointed as members of the water committee by the Corporation.

Intimation of members nominated by county council and town councils.

101. Whenever a nomination of a member of the water committee has been made the county clerk in the case of members nominated by the county council and the town clerk of the burgh of which the member nominated is a member in the case of members nominated by the town councils shall intimate the nomination to the town clerk.

Disqualification of members.

102.—(1) If a member of the water committee ceases to be a member of the local authority by virtue of being a member of which he was nominated for appointment he shall cease to be a member of the water committee.

(2) For the purposes of this section—

(*a*) a member of the water committee (other than a member nominated by the county council) shall not be deemed to have ceased to be a member of the water committee if he retires by rotation as a member of the local authority aforesaid and is re-elected at the election of members of such authority immediately following his retirement; and

(*b*) a member of the water committee who is a member nominated by the county council and who ceases to be a member of the county council shall cease to be a member of the water committee on the expiry of one month thereafter or on the appointment of his successor whichever event shall first occur.

Resignation of members

103.—(1) Any member of the water committee may at any time resign his office as such member by a notice in writing signed by him and delivered to the town clerk and his resignation as such member shall take effect upon the expiration of three weeks after the date of delivery of the notice or upon such earlier date (if any) as may be stated in the notice as the date on which the resignation is to take effect.

(2) Where any member of the water committee resigning his office as such member is a member nominated by the county council or by the town councils the town clerk shall on receipt by him of a notice

PART IV —*cont.*

as aforesaid from such member notify the county clerk or the town clerk of the burgh of the town council of which he is a member as the case may be.

Casual vacancies.

104. If any member of the water committee being a member nominated by the county council or by the town councils dies or resigns or ceases to be qualified to be a member of the water committee the county council or the town councils as the case may be may at any time after the happening of such event nominate another person to be a member of the water committee in his place and the Corporation shall appoint such person accordingly.

Application of sections 73 and 337 of Act of 1947 to certain members.

105. Sections 73 and 337 of the Act of 1947 shall extend and apply with respect to the persons nominated by the county council and by the town councils as members of the water committee when acting in their capacity as members of the water committee as if the water committee were a local authority and the town clerk were the clerk of such local authority.

Application of certain provisions of Local Government Act 1948 to certain members.

106.—(1) For the purposes of Part VI (Allowances to members of local authorities and other bodies) of the Local Government Act 1948 the performance by any of the members of the water committee nominated by the county council and by the town councils of any approved duty as a member of the water committee shall be deemed to be the performance of an approved duty outwith the area of the Corporation.

(2) For the purposes of section 130 of the Local Government Act 1948 the members of the water committee nominated by the county council and by the town councils shall while they are engaged in the business of the water committee be deemed to be engaged in the business of the respective authorities by virtue of being members of which they were nominated for appointment as members of the water committee.

Powers of county and town councils to make representations to Corporation.

107. The county council and each of the town councils may make representations to the Corporation on all matters which relate to the water undertaking and affect substantially the interests of the county council or of the town council concerned as the case may be and which are not delegated to the water committee under the provisions of this Part of this Order and the Corporation shall consider any such representations and shall intimate their decisions thereon to the county council or to the town council concerned as the case may be:

Provided that—

(*a*) the foregoing provisions of this section shall not apply to matters of ordinary administration which in terms of the standing orders of the Corporation fall to be dealt with by or referred to committees of the Corporation other than the water committee and are not included in the delegation of matters to the water committee; and

(*b*) any exercise of the power to make representations hereinbefore referred to shall not prejudice the right of the Corporation to take action in any case in which they may reasonably consider that delay might result in prejudice to the proper and efficient administration of the water undertaking.

PART IV —*cont.*

Reservation of rights to county and town councils.

108. There shall be reserved to the county council and to the town councils any rights competent to them or any of them to make representations to the Secretary of State on matters which are not included in the delegation of matters to the water committee under the provisions of this Part of this Order provided that such representations can competently be dealt with by the Secretary of State under the powers vested in him under the Act of 1946 or any other enactment.

Minutes of meetings accounts etc. to be supplied to county and town clerks.

109.—(1) The town clerk shall send to the county clerk and to the town clerk of each of the burghs a copy of—

(*a*) minutes of all meetings of the water committee;

(*b*) minutes of all meetings of the Corporation so far as relating to the water undertaking;

(*c*) the final estimates of the Corporation so far as relating to the water undertaking; and

(*d*) the abstract of the accounts of the Corporation so far as relating to the water undertaking duly audited.

(2) The copies of such minutes and final estimates shall be sent as nearly as practicable at the same time as they are sent to the members of the water committee and the Corporation respectively.

(3) The copies of the abstract of accounts shall be sent as soon as reasonably practicable after the completion of the audit.

*G. Water rates and charges*

Water rates etc. in area beyond city.

110. Notwithstanding anything in the Act of 1949—

(1) (*a*) during the period ending on the twenty-eighth day of May nineteen hundred and sixty-nine the amount of the domestic water rate assumed to be levied within that part of the limits of supply which is beyond the city shall be an amount fixed annually by the Corporation but shall not exceed the amounts specified in the following table:—

| 1 | 2 | 3 |
|---|---|---|
| Area | From 29th May 1959 to 28th May 1964 | From 29th May 1964 to 28th May 1969 |
| | s. d. | s. d. |
| County (landward area) ... | 1 8 | 1 3 |
| Burghs— | | |
| Bonnyrigg and Lasswade | 1 1 | 10 |
| Dalkeith ... ... ... | 11 | 9 |
| Loanhead ... ... | 1 1 | 10 |
| Musselburgh ... ... | 1 1 | 10 |
| Penicuik ... ... ... | 1 1 | 10 |

PART IV —*cont.*

(*b*) as from the twenty-ninth day of May nineteen hundred and sixty-nine the amount of the domestic water rate assumed to be levied annually within that part of the limits of supply which is beyond the city shall be the amount of the domestic water rate levied within the city in respect of the corresponding year;

(2) subsection (4) of section 11 of the Act of 1949 shall not apply with respect to the water undertaking until the twenty-ninth day of May nineteen hundred and sixty-nine.

Domestic water rate not to include fraction of a penny.

111. In determining the amount per pound of the domestic water rate the Corporation shall not be bound to determine an amount which shall include a fraction of a penny.

Minimum water charge.

112. Notwithstanding anything in any enactment the Corporation shall not be obliged to furnish a supply of water for other than domestic purposes to any person for any less sum than ten shillings in any one year.

## PART V

## TRANSPORT

Meaning of " tramway undertaking " in city Acts.

113. References in the city Acts to the tramway undertaking shall be deemed to be references to the transport undertaking.

Vesting of transport undertaking.

114. Subject to the provisions of this Part of this Order the transport undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Power to run public service vehicles.

115. Notwithstanding the repeal of the repealed Acts the Corporation shall continue to be a local authority authorised to run public service vehicles in pursuance of Part V of the Act of 1930.

Power to run public service vehicles for special purposes.

116.—(1) Notwithstanding anything in any enactment the Corporation may on any occasion run and reserve public service vehicles within the city for any special purpose which they may consider necessary or desirable:

Provided that during the running of any such special public service vehicles the Corporation shall maintain reasonably sufficient ordinary services.

(2) Such public service vehicles shall be distinguished from the other public service vehicles of the Corporation in such manner as the Corporation may direct.

(3) The Corporation may make byelaws for prohibiting the use of any such public service vehicles by any persons other than those for whose conveyance the same are reserved.

(4) Nothing in this section shall be in derogation of the provisions of Part IV of the Act of 1930.

Starting and stopping places.

117.—(1) The Corporation may appoint the stands and places within the city from which their public service vehicles may start and at which they may stop for the purposes of taking up or setting down passengers and fix the time during which such public service vehicles are allowed to remain at any such places.

(2) Nothing in this section shall be in derogation of the provisions of Part IV of the Act of 1930. PART V —*cont.*

Signs indicating starting and stopping places etc.

118.—(1) The Corporation may in any street on or near the route of any of their services of public service vehicles display and illuminate signs or notice boards indicating the position of starting and stopping places on such routes and for giving information relative to such services and for those purposes they may—

(i) erect such standards and fittings as may be necessary; and

(ii) attach such signs or notice boards to any such standards or fittings or to any lamp-posts poles or other similar erections (all of which are hereinafter in this section referred to as " standards ").

(2) Where the Corporation are not the owners of any such standard they shall—

(i) give notice in writing to the owner of such standard of their intention to attach any such sign or notice board;

(ii) make compensation to such owner for any damage occasioned to a standard by the attachment; and

(iii) indemnify such owner against any claim for injury or damage occasioned to any person or property by reason of such attachment.

(3) The Corporation shall not attach any such sign or notice board to any standard belonging to the Postmaster-General the transport commission or any other local authority or other operators of public service vehicles without the consent in writing of the Postmaster-General the transport commission the local authority or operators of public service vehicles concerned as the case may be.

(4) Nothing in this section shall be deemed to require any owner to retain any standard when it is no longer required for his purpose.

Power of Corporation to lay or erect telephone wires etc.

119.—(1) For the purposes of—

(*a*) establishing telephonic or other electrical communication between their offices depots garages works and vehicles; and

(*b*) illuminating signs or notice boards displayed by them under the powers conferred on them by section 118 (Signs indicating starting and stopping places etc.) of this Order;

the Corporation may subject to the provisions of this Part of this Order lay and erect in on or over any street and with the consent of the owners and occupiers of any other land in on or over that land such wires posts conductors and other apparatus as they deem necessary.

(2) The provisions of section 4 of the Third Schedule and subsections (3) and (4) of section 5 of Part II of the Fourth Schedule to the Water (Scotland) Act 1946 shall with any necessary adaptations and modifications extend and apply to the Corporation in respect of the exercise of the powers conferred on them by this section.

(3) Wires posts conductors or other apparatus laid or erected by the Corporation under the provisions of this section shall be so constructed maintained and used as to prevent interference with the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways.

PART V —*cont.*

Power to break open streets etc. for certain purposes.

120.—(1) The Corporation may for the purposes of the following sections of this Order:—

section 118 (Signs indicating starting and stopping places etc); and

section 119 (Power of Corporation to lay or erect telephone wires etc.);

break open the roadway and footpaths of any street and of any bridge carrying a street and any cellar or vault below any street and any sewer drain or tunnel in or under any such roadway or footpath and may remove the soil or other materials in or under any such roadway or footpath.

(2) The provisions of Part I of the Third Schedule to the Water (Scotland) Act 1946 with respect to the breaking open of streets shall with any necessary adaptations and modifications extend and apply to the Corporation in respect of the exercise of the powers conferred upon them by this section.

Power to manufacture public service vehicles.

121. Notwithstanding anything in any enactment the Corporation may manufacture public service vehicles for the purposes of experiment in connection with the transport undertaking.

Power to acquire patent rights.

122. The Corporation may for the purposes of the transport undertaking hold and exercise patent and other rights or licences but not so as to acquire any exclusive right therein.

Advertising on vehicles etc.

123. The Corporation may enter into agreements with any person on such terms and conditions as they think fit with respect to the exhibition or display of advertisements on or in any of their public service vehicles or on or in any shelters or waiting rooms provided by them.

Certain public service vehicles deemed to be property of Corporation for third-party insurance purposes.

124. Any public service vehicle for the time being in the custody and control of the Corporation and in charge of a person in their employment or any other person for whose actings they are responsible shall be deemed to be a vehicle owned by a local authority for the purposes of Part II of the Act of 1930 (which relates to provision against third-party risks arising out of the use of motor vehicles).

Certificate under section 40 of Act of 1930 unnecessary in case of public service vehicles of Corporation.

125.—(1) The requirements of section 40 of the Act of 1930 and of any regulations made in pursuance of section 41 of the Act of 1930 with respect to the production of certificates by persons driving motor vehicles shall not apply in relation to public service vehicles owned and operated by the Corporation.

(2) The provisions of this section shall apply in relation to any public service vehicle deemed to be owned by the Corporation in accordance with the provisions of section 124 (Certain public service vehicles deemed to be property of Corporation for third-party insurance purposes) of this Order:

Provided that in the case of any such public service vehicle a notice is exhibited in a conspicuous position on such vehicle to the effect that it is for the time being under the control of the Corporation.

Parcels delivery service.

126.—(1) The Corporation may run vehicles within the city for the sole purpose of collecting conveying and delivering parcels not exceeding one hundred and twelve pounds in weight and may demand

PART V —*cont.*

and take for the conveyance of parcels and for any services performed by them in connection therewith such reasonable charges as they may think fit.

(2) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

(3) The Corporation shall perform in respect of the vehicles run by them in pursuance of subsection (1) of this section all such services with regard to the conveyance of mails as are prescribed by the Post Office Act 1953 in the case of public service vehicles to which that Act applies.

Reserve funds of transport undertaking.

127.—(1) The Corporation may continue establish and maintain such reserve depreciation renewal or insurance funds for the transport undertaking as from time to time shall seem to them to be necessary or desirable.

(2) The total amount of such reserve depreciation renewal or insurance funds shall not at any time exceed one-seventh of the aggregate capital expenditure of the transport undertaking.

Fares to be fixed to meet expenditure on transport undertaking.

128. Subject to the provisions of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 the Public Service Vehicles (Travel Concessions) Act 1955 and this Part of this Order the Corporation shall ensure that the fares and charges on their public service vehicles are so fixed that the same along with the other revenues of the transport undertaking may one year with another produce the amount of money required for carrying on the transport undertaking.

Transport accounts.

129. The Corporation shall furnish a copy of the annual abstract of accounts of the Corporation so far as relating to the transport undertaking to the Minister of Transport and Civil Aviation within five months after the end of each financial year or such longer period as the Minister may allow.

Continuance of certain obligations of Corporation with respect to roads.

130. Nothing in this Part of this Order shall relieve the Corporation from any obligations to which they were subject in pursuance of the repealed Acts immediately before the commencement of this Order with respect to the maintenance of the portions of roads in which tramways have been laid by them or with respect to the restoration of such portions of such roads following the taking up of any such tramway or part thereof and the Corporation shall continue to be subject to any such obligations to the same extent and effect as if the Act confirming this Order had not been passed.

Saving for agreement with Scottish Omnibuses Limited.

131. Nothing in this Part of this Order shall prejudice or affect the agreement between the Corporation and Scottish Omnibuses Limited dated the first and seventh days of July nineteen hundred and fifty-four.

## PART VI

## PUBLIC HALLS

Definitions for Part VI of Order:

132. In this Part of this Order unless the subject or context otherwise requires—

" public halls " means—

(i) the buildings known as the Waverley Market the Music Hall the Assembly Rooms the Usher Hall the Synod

PART VI —*cont.*

Hall the Gorgie War Memorial Hall the Portobello Town Hall and the Leith Town Hall and the Canongate Tolbooth (which shall be deemed to be a public hall and to have been provided by the Corporation under the provisions of this Part of this Order);

(ii) the building known as the Leith Municipal Buildings (so far as not occupied for other purposes);

(iii) any other halls for public meetings and assemblies provided by the Corporation under the provisions of this Part of this Order; and

(iv) any new buildings erected by the Corporation under the powers of section 137 (Special provisions as to Waverley Market) of this Order.

Public halls.

133.—(1) The public halls vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

(2) The Corporation may maintain alter reconstruct improve and enlarge the public halls.

(3) The Corporation may provide additional halls within the city for public meetings and assemblies.

(4) The Corporation may in or in connection with any of the public halls provide and maintain offices shops studios and other premises.

As to use of public halls.

134.—(1) Subject as regards the Usher Hall to the provisions of the deed of gift of the late Andrew Usher the Corporation may use or permit the public halls to be used for concerts recitals or other entertainments public meetings civic functions carnivals exhibitions or such other purposes as the Corporation may from time to time sanction.

(2) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for a public entertainment or a cinematograph exhibition.

Management and letting of public halls.

135. Subject to the provisions of this Part of this Order the Corporation may—

(*a*) themselves manage any public hall making such reasonable charges for the use thereof as they think fit or allowing any public hall or any part thereof to be used at any time without charge; and

(*b*) let any public hall or any part thereof for such consideration and on such terms and conditions as they think fit.

Byelaws for public halls.

136.—(1) The Corporation may make byelaws with respect to the control management and use of the public halls.

(2) Any such byelaws may be made so as to apply only to such of the public halls as may be specified in the byelaws and may contain different provisions for different public halls.

Special provisions as to Waverley Market.

137.—(1) Without prejudice to the powers conferred on the Corporation by section 133 (Public halls) of this Order the Corporation may erect and maintain new buildings—

(*a*) on the site of the Waverley Market;

(*b*) on the ground belonging to them lying between the said site and Waverley railway station; and

PART VI —*cont.*

(*c*) over that rectangular piece of ground belonging to the transport commission and forming part of Waverley railway station extending to six hundred and sixty-two superficial yards or thereby and shown coloured red on the plan annexed and signed as relative to the minute of agreement between the Corporation and the London and North Eastern Railway Company dated the seventh and nineteenth days of July and registered in the books of council and session on the twenty-eighth day of July all in the year nineteen hundred and thirty-eight over which rectangular piece of ground the Corporation have right to erect the said new buildings by virtue of the said minute of agreement.

(2) Notwithstanding anything contained in any Act or in any deed or other writing and without prejudice to any rights and powers otherwise competent to them the Corporation in altering reconstructing or adapting the Waverley Market or in erecting any new buildings on and over the areas of ground specified in subsection (1) of this section may raise the height of the altered reconstructed or adapted building or may erect any such new buildings to a height above the existing level of the south footpavement of Princes Street ex adverso such altered reconstructed or adapted building or such new buildings of—

(*a*) fifteen feet in the case of that part of the buildings occupying that part of the areas of ground specified in subsection (1) of this section which is situated within the area bounded as follows :—

By a line commencing at a point on the east side of the Waverley Bridge forty-three feet six inches south of the north boundary of the Waverley railway station thence in a northerly or north-westerly direction along the east side of the Waverley Bridge to a point fifty-five feet north of the north boundary of the Waverley railway station thence in an easterly or north-easterly direction in a line parallel to the north boundary of the Waverley railway station to a point sixty feet west of the west wall of the North British Station Hotel thence in a southerly or south-easterly direction in a line parallel to the west wall of the North British Station Hotel for a distance of fifty-five feet to the north boundary of the Waverley railway station thence in a westerly or south-westerly direction along the north boundary of the Waverley railway station to a point one hundred and thirty-seven feet east of the Waverley Bridge thence again in a southerly or south-easterly direction in a line parallel to the east side of the Waverley Bridge for a distance of forty-three feet six inches to a point within the area of the Waverley railway station one hundred and thirty-seven feet east of the Waverley Bridge and thence in a westerly or south-westerly direction in a line parallel to the north boundary of the Waverley railway station for a distance of one hundred and thirty-seven feet to the point of commencement before mentioned;

(*b*) four feet in the case of that part of the buildings occupying the remainder of the areas of ground specified in subsection (1) of this section:

PART VI —*cont.*

Provided that the Corporation may erect or place such ornamental features as they may think fit on the roof of Waverley Market as altered reconstructed adapted or rebuilt or on the roof of any new buildings erected under the powers of this section notwithstanding that such ornamental features rise above the four feet above mentioned.

(3) Nothing in this section shall prejudice the provisions of the said minute of agreement between the Corporation and the London and North Eastern Railway Company.

## PART VII

## PUBLIC PARKS ETC.

### *A. Public parks*

Vesting of public parks.

138. Subject to the provisions of this head of this Part of this Order the public parks vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Provision of public parks.

139. The Corporation may provide public parks either within or within a reasonable distance of the city.

Powers of administration of public parks

140.—(1) The public parks shall be administered controlled and managed by the Corporation and in addition to all usual and necessary powers of administration control and management the Corporation may—

(*a*) set apart or lay out any public park or any part thereof for the purpose of any game or recreation or for riding driving and exercise of horses or for cycling exclude the public from such park or part thereof while it is in actual use for any of such purposes fix the times when such park or part thereof may be used for any of such purposes and make reasonable charges for persons or clubs using the same for such purposes or any of them;

(*b*) construct any pond in any public park and permit the use of the same for skating curling sailing of boats or model yachts and enclose during time of frost any part of any public park for the protection of ice for skating;

(*c*) provide in any public park any apparatus for games and recreation and make reasonable charges for the use of the same;

(*d*) provide or contribute towards the expense of providing music or other entertainment in any public park or place of public resort enclose any portion of any public park or place of public resort for the convenience of persons listening to such music or entertainment and make or permit to be made reasonable charges for admission thereto;

(*e*) equip and carry on club rooms restaurants or other places of refreshment for the convenience of persons frequenting the public parks and provide and sell refreshments of all kinds;

(*f*) set apart any part of any public park as a children's playground and provide gymnastic or other apparatus therefor and fix the age above which persons shall not be permitted to play therein;

PART VII —*cont.*

(*g*) set apart any part of any public park for any other special purpose tending to promote health amusement or enjoyment;

(*h*) provide or grant authority on such terms and conditions as they think fit to any person to provide chairs or seats in any public park and make or allow such person to make reasonable charges for the use of the same.

(2) A certificate shall not be granted under the Licensing (Scotland) Acts 1903 to 1949 for the sale by the Corporation of exciseable liquor in any public park or in any premises provided in any public park but nothing in this subsection shall render it unlawful to grant under section 40 of the Licensing (Scotland) Act 1903 a special permission for an entertainment in any such premises.

Buildings etc in public parks.

141.—(1) Subject to the provisions of this head of this Part of this Order the Corporation may in any public park—

(*a*) erect or permit to be erected and may maintain all such buildings works and conveniences as they may deem requisite for or in connection with the use thereof as a public park and may manage such buildings works and conveniences themselves or may let any of them or any portion of any of them at a nominal or other rent to any person club society or organisation for any purpose consistent with such use;

(*b*) erect and maintain in any public park police kiosks and accommodation for the use of any department of the Corporation or of the employees thereof.

(2) Nothing in this section shall be in derogation of any existing deed of gift or trust deed or conveyance under or in pursuance of which any public park is now vested in the Corporation.

Admission to and let of buildings in public parks.

142. Notwithstanding anything in any enactment the Corporation may—

(*a*) make such charges as they think fit for admission to any building or enclosure in a public park;

(*b*) grant the use on such terms and conditions as they may think fit of any building or any enclosure in a public park to any person for the purpose of entertainments and authorise that person to charge for admission thereto;

(*c*) let any building in a public park as a club-house shop or restaurant and allow the erection and use of temporary buildings or tents on such terms and conditions as they may think fit.

Temporary use of parks for other purposes.

143.—(1) The Corporation may use or permit the use of the whole or any part of a public park for any special purpose other than a purpose for which such park may ordinarily be used:

Provided that the periods during which any public park or part of a public park may be used for any such special purpose shall not except in the case of agricultural or horticultural shows exceed in the whole one month in any one year.

(2) When any public park or part of a public park is being so used the Corporation may close the same or any part thereof against the

PART VII —*cont.*

public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons to such park or part thereof as they may fix.

Byelaws for public parks.

144.—(1) The Corporation may make byelaws with respect to the control management and use of public parks.

(2) Any such byelaws may be made so as to apply only to such public parks as may be specified in the byelaws and may contain different provisions for different public parks.

Restrictions on buildings in certain parks.

145. Notwithstanding anything in this Part of this Order the Corporation shall not erect any building or cause or permit any building to be erected on the lands (so far as belonging to the Corporation) comprising the public parks specified in the first column of the Fifth Schedule to this Order other than buildings of the description specified in the second column of the said Schedule with respect to each of the said public parks.

As to parks *outside city*.

146. Every public park provided or administered by the Corporation outside the city shall be deemed to be within the city for the purposes of control regulation and management and the powers of the Corporation under this Part of this Order shall extend and apply to every such park:

Provided that nothing in this section shall prejudice or affect—

(*a*) the jurisdiction of any court;

(*b*) the powers of any other local authority; or

(*c*) the authority of any constable.

*B. Golf courses*

Golf courses.

147.—(1) The Corporation may provide golf courses either within or within a reasonable distance of the city.

(2) The Corporation may provide or permit to be provided such buildings conveniences and equipment and may execute such works as may be necessary or expedient in connection with any golf course provided by them.

(3) The Corporation may either—

(*a*) themselves manage any golf course provided by them making such reasonable charges for the use thereof or admission thereto as they think fit; or

(*b*) let any such golf course or any part thereof or any building conveniences and equipment provided by them in connection with any golf course for such consideration and on such terms and conditions as they think fit.

(4) The Corporation may—

(*a*) at any such golf course provide and sell refreshments of all kinds;

(*b*) enter into any agreement or arrangement for the provision and sale of refreshments;

(*c*) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments:

PART VII —*cont.*

Provided that a certificate shall not be granted under the Licensing (Scotland) Acts 1903 to 1949 for the sale by the Corporation of exciseable liquor at any such golf course but nothing in this subsection shall render it unlawful to grant under section 40 of the Licensing (Scotland) Act 1903 a special permission for an entertainment in any premises on any such golf course.

As to Carrick Knowe Craigentinny and Silverknowes golf courses.

148. The golf courses at Carrick Knowe Craigentinny and Silverknowes shall continue vested in the Corporation and shall be deemed to have been provided under this head of this Part of this Order and notwithstanding anything in this Order the provisions of head A (Public parks) of this Part of this Order shall not apply to such golf courses and the byelaws with respect to public parks and the rules and regulations relating to the playing of golf in public parks continued in force in pursuance of the provisions of this Order shall as from the commencement of this Order cease to apply to such golf courses.

As to Braid Hills and certain other golf courses.

149. The powers of the Corporation under section 147 (Golf courses) of this Order shall be in addition to and not in substitution for their powers under head A (Public parks) of this Part of this Order and the provisions of head A (Public parks) of this Part of this Order and the byelaws with respect to public parks and the rules and regulations relating to the playing of golf in public parks continued in force in pursuance of the provisions of this Order shall apply to the golf courses provided by the Corporation at the Braid Hills Portobello Sighthill Bruntsfield Links and Inverleith.

Byelaws for golf courses.

150.—(1) The Corporation may make byelaws with respect to the control management and use of golf courses provided by them under this head of this Part of this Order.

(2) Any such byelaws may be made so as to apply only to such golf courses as may be specified in the byelaws and may contain different provisions for different golf courses.

### C. *Open spaces*

Open spaces.

151.—(1) Any open space which has been set apart or used as ornamental or pleasure or garden ground and which belongs to two or more owners or which is vested in two or more persons for the purpose of upkeep and management (which owners or persons are hereinafter in this head of this Part of this Order referred to as "owners") together with any walls or fences enclosing such open space shall be kept by the owners in reasonably good condition to the satisfaction of the Corporation.

(2) If the Corporation are of opinion that any such open space and the walls and fences which enclose it are not being kept in reasonably good condition they may serve a notice in writing upon the owners requiring them to carry out such work as may be necessary to put such open space and walls and fences into good condition or to lay out and maintain such open space in a suitable manner or to repair any enclosing walls or fences all in such manner as may be specified in such notice and within a time to be stated therein (not being less than one month).

(3) In the event of such notice not being complied with within the time stated the Corporation may themselves carry out the works

PART VII —*cont.*

required by such notice or they may resolve that the custody and management of such open space and any enclosing walls or fences shall be transferred to them to be thenceforth maintained for the public benefit and such open space and walls or fences shall subject to the provisions of the immediately succeeding section be transferred accordingly.

(4) Any person aggrieved by a notice of the Corporation under subsection (2) of this section may appeal to the sheriff.

Powers of Corporation with regard to open spaces taken over.

152. Where under the provisions of the immediately preceding section or under other statutory powers the custody and management of any open space have been or may hereafter be transferred to the Corporation the solum of such open space shall continue to be or where such custody or management may be hereafter undertaken shall be as at the date of the resolution of the Corporation transferring the same vested in the Corporation but (except as otherwise provided in this Order) to the extent and effect only of enabling the Corporation to utilise such open space as ornamental or pleasure or garden ground for the public benefit:

Provided that the Corporation may notwithstanding anything in the titles of any such open space remove any enclosing walls or fences.

Transfer of open spaces to Corporation by agreement.

153. The Corporation and the owners of any open space set apart or used for ornamental or pleasure or garden ground may enter into an agreement providing for the custody and management of such open space by the Corporation.

*D. Scott monument*

Definition for head D of Part VII of Order.

154. "Scott monument" means the monument to the late Sir Walter Scott of Abbotsford Baronet erected in East Princes Street Gardens and includes the museum established therein.

Vesting of Scott monument.

155.—(1) The Scott monument is hereby vested in the Corporation and shall be under their control and management as part of East Princes Street Gardens.

(2) The trust created by section IV of the Act 4 & 5 Vict. c. 15 (relating to the erection of the Scott monument) is hereby dissolved.

Charges for admission to Scott monument.

156. The Corporation may make such reasonable charges as they think fit for admission to the Scott monument or any part thereof.

Byelaws as to Scott monument.

157. The Corporation may make byelaws with respect to the control management protection and use of the Scott monument or of any property or articles therein.

## PART VIII

## PUBLIC BATHS AND WASHHOUSES

Definition for Part VIII of Order.

158. In this Part of this Order "public baths" includes swimming baths bathing pools and bathing places either open or covered.

Vesting of public baths and washhouses.

159. The public baths and washhouses vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and shall be held and carried on by them.

Provision of public baths and washhouses.

160.—(1) The Corporation may provide public baths and washhouses either within or within a reasonable distance of the city.

(2) The Corporation may from time to time enlarge renew and repair all public baths and washhouses.

(3) The powers of the Corporation under this section shall include the provision of—

(*a*) sea-water baths or bathing places on any part of the seashore or strand vested in or leased by them; and

(*b*) medicated and other baths (including baths the efficient properties of which are due to agencies other than water).

(4) The owners of any swimming baths within the city may sell or lease such baths to the Corporation and any such swimming baths purchased or leased by the Corporation shall be deemed to have been provided under this Part of this Order.

Charges for use of public baths and washhouses.

161. The Corporation may make such charges as they think fit for the use of or admission to any of their public baths and washhouses and for the use of appliances and machines therein.

Use of public baths for swimming contests etc.

162.—(1) The Corporation may close temporarily to the public any of their public baths and may—

(*a*) grant either gratuitously or for payment the exclusive use thereof to a school or club or to persons organising swimming practices or contests aquatic sports or similar entertainments; or

(*b*) themselves use the same for such practices contests sports or entertainments or for exhibitions or meetings.

(2) The Corporation may make or authorise the making of charges for admission to or for the use of any of their public baths while closed to the public under this section.

Power to supply refreshments at public baths and washhouses.

163. The Corporation may at or in connection with any of their public baths and washhouses—

(*a*) supply refreshments (other than exciseable liquors); and

(*b*) provide and maintain refreshment rooms and either manage the same themselves or let them to any person for a term not exceeding three years at a time.

Power to erect offices etc. in connection with public baths and washhouses.

164.—(1) The Corporation may at or in connection with any of their public baths and washhouses provide and maintain buildings for use as offices halls shelters or for other purposes.

(2) The Corporation may let or grant the use of such buildings upon such terms and conditions as they may think fit.

Byelaws for public baths and washhouses.

165.—(1) The Corporation may make byelaws with respect to the control management and use of their public baths and washhouses.

(2) Any such byelaws may be made so as to apply only to such public baths or washhouses as may be specified in the byelaws and may contain different provisions for different public baths or washhouses.

PART VIII —*cont.*

(3) There shall be exhibited in each of the public baths and washhouses a printed copy or sufficient abstract of any byelaws applicable thereto.

## PART IX

### STREET TRAFFIC AND PUBLIC SAFETY AND ORDER

Processions.

166.—(1) Any person intending to organise or form a procession through the streets (other than a public or ceremonial procession which is regularly held through the streets) shall give written notice thereof and of the route proposed to be taken and of the date and time on and at which such procession will take place to the town clerk one week at least before the day proposed for such procession.

(2) If any such procession passes through the streets without such notice having been given or otherwise than in accordance with such notice any person organising or conducting such procession shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(3) The Corporation may make—

(i) an order prohibiting any such procession; or

(ii) such order as they deem necessary for the public safety on the occasion of any such procession and any such order may prescribe the route to be observed by any such procession and the date and time of the procession.

(4) Any person acting in contravention of an order of the Corporation under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(5) Nothing in this section shall be in derogation of the provisions of the Public Order Act 1936.

Prevention of assemblies causing obstruction

167.—(1) Where—

(*a*) any demonstration or display in any shop window;

(*b*) any notice placard advertisement or announcement;

(*c*) the playing of any musical instrument; or

(*d*) the use of a loudspeaker in any premises;

causes persons to assemble and obstruct the free passage in any street common passage or common stair any constable may require the owner or occupier of the premises in or upon which such demonstration or display is taking place or such notice placard or announcement is exhibited or such musical instrument is being played or loudspeaker is situated to—

(i) discontinue such demonstration or display;

(ii) remove or at the option of the owner or occupier screen from public view such notice placard advertisement or announcement; or

(iii) discontinue the playing of such musical instrument or the use of such loudspeaker.

(2) Any such owner or occupier who fails to comply forthwith with any such requirement shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds. PART IX —*cont.*

168.—(1) A person shall not in any street operate or cause or permit to be operated any loudspeaker for any purpose without the consent of the Corporation which consent may be granted on such terms and conditions as the Corporation may prescribe. Restrictions on use of loudspeakers in streets.

(2) Any person who operates or causes or permits to be operated in any street any loudspeaker without the consent of the Corporation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(3) This section shall not apply to the use of a loudspeaker—

(*a*) by the Corporation in the execution of their duties;

(*b*) for military or fire brigade or ambulance or police purposes;

(*c*) in connection with a parliamentary or local government election;

(*d*) forming part of a wireless receiving or transmitting set on or inside a motor vehicle so long as such loudspeaker is used for the private purposes of the occupants of the said vehicle or for communication with them in connection with their trade or business and is not used so as to be an annoyance or nuisance to persons in a street;

(*e*) in any public service vehicle solely for the purpose of announcements to passengers therein and not so used as to be an annoyance or nuisance to persons in a street;

(*f*) by the transport commission or operators of public service vehicles for the purpose of announcements to their passengers or staff at any station or depot; or

(*g*) in case of emergency.

(4) For the purposes of this section a loudspeaker shall not be deemed to be in use in connection with—

(*a*) a parliamentary election if it is used at any time other than on or between the date of the issue of the writ of election and the date of the declaration of the result of the election; or

(*b*) a local government election if it is used at any time other than on or between the day appointed for giving notice of the election and the day on which a candidate is deemed or declared to be elected.

169.—(1) The Corporation may make byelaws for regulating and controlling the use in any premises of loudspeakers which are audible in any street or in any other premises and for prohibiting the use of loudspeakers for advertising purposes in any premises in such a manner as to be audible in any street or in any other premises. Byelaws as to loudspeakers.

(2) For the purposes of this section any use of a loudspeaker in any shop shall be deemed to be a use for advertising purposes.

(3) Nothing in this section or in any byelaws made thereunder shall apply to—

(*a*) the use of a loudspeaker by the transport commission or operators of public service vehicles for the purpose of

PART IX —*cont.*

announcements to their passengers or staff at any station or depot; or

(*b*) the use of a loudspeaker for the purpose of announcements (other than by way of advertising) at any football ground or premises on which races of any description athletic sports or other sporting events take place on the occasion of and in connection with such races sports or other sporting events;

(*c*) the use of any loudspeakers for the transmission of sound to the auditorium of any cinematograph theatre (including any ancillary loudspeaker in the projection room of such theatre) in connection with the entertainment provided in such premises;

(*d*) any public shows in respect of which a permit under section 309 (Public shows and other like places) of the Order of 1933 is in force:

Provided that for the purposes of paragraph (*b*) of this subsection advertising shall not include the announcement of forthcoming sporting events at the same ground or premises.

Orders as to traffic on special occasions.

170.—(1) The Corporation may from time to time on any occasion when the streets are liable to be thronged or the traffic likely to be abnormal or when the passage of traffic through any street is or is likely to be impeded make orders for all or any of the following purposes:—

(*a*) stopping or regulating the traffic in or diverting temporarily from any street traffic of all classes or of such particular classes as may be specified in any such order;

(*b*) prescribing the routes to be observed by all vehicles or vehicles of different classes;

(*c*) keeping order; and

(*d*) preventing obstruction.

(2) Any person acting in contravention of any order of the Corporation under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

Prohibition of advertising vehicles etc in certain streets.

171.—(1) A person shall not in any street to which this section applies—

(*a*) use or cause or permit to be used any vehicle or any movable board or structure of whatever form or construction for the purpose exclusively or principally of displaying advertisements; or

(*b*) carry or cause or permit to be carried for advertising purposes any board placard picture print or notice.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

PART IX —*cont.*

(3) The streets to which this section applies are—

Princes Street
Leith Street
North Bridge
North Bridge Street
South Bridge
Waverley Bridge
Lothian Road
Earl Grey Street.

Restriction of advertising vehicles in streets.

172.—(1) Without prejudice to the provisions of the immediately preceding section a person shall not without a permit from the Corporation (which they are hereby authorised to grant subject to such conditions as they think fit) use or cause or permit to be used in any street any vehicle or movable board or structure of whatever form or construction (other than a board or placard carried by one person) for the purpose exclusively or principally of displaying advertisements.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

Street playgrounds.

173. Section 32 (Power to close streets to enable them to be used as playgrounds for children) of the Edinburgh Corporation Order 1937 shall cease to have effect and all orders made by the Corporation in pursuance of the said section shall be deemed to have been made and confirmed in pursuance of the Street Playgrounds Act 1938.

Byelaws as to persons waiting to enter public service vehicles.

174.—(1) The Corporation may make byelaws for regulating the conduct of persons waiting in streets to enter public service vehicles and the priority of entry into such vehicles and may by such byelaws require queues or lines to be formed and kept by such persons.

(2) Any byelaws made under this section may differentiate between different parts of the city and between different classes of public service vehicles.

Blasting operations.

175.—(1) A person shall not carry out blasting operations without a permit from the city engineer (which the city engineer is hereby empowered to grant) and the city engineer may attach to any permit under this section such conditions as he may deem necessary or advisable with a view to the prevention of danger or annoyance to the public.

(2) Every application for a permit under this section to carry out blasting operations shall be made in writing at least forty-eight hours before it is intended to carry out such operations.

(3) Every person who carries out blasting operations without a permit under this section or who contravenes or fails to comply with any conditions attached to any such permit shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(4) Nothing in this section shall be in derogation of the provisions of the Explosives Acts 1875 and 1923 the Factories Act 1937 or the Mines and Quarries Act 1954 or of any regulation or order made under any of those Acts.

PART IX —*cont.*

(5) This section shall not apply to any mine within the meaning of the Mines and Quarries Act 1954.

*Making and lighting of bonfires.*

176. Section 117 (Penalties for certain offences in public places) of the Order of 1933 shall be read and have effect as if—

(*a*) the words " or makes any bonfire " in paragraph (18) thereof were omitted therefrom; and

(*b*) the following paragraph were inserted after the said paragraph (18):—

" (18) (A) deposits material for makes or sets alight any bonfire in such a position as to cause or be likely to cause danger or annoyance to any person or damage to property."

*As to danger of injury from model aeroplanes etc*

177.—(1) A person shall not fly or otherwise put in motion any jet or mechanically propelled model aeroplane or similar contrivance—

(*a*) in any street; or

(*b*) in any public park without the consent of the Corporation (which may be granted subject to such terms and conditions as they may prescribe).

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

*Provision of first-aid appliances in certain premises.*

178.—(1) If in the opinion of the Corporation any premises to which this section applies are not provided with proper and sufficient first-aid appliances they may serve on the occupier of the premises a notice requiring him within a reasonable time to be specified in the notice to provide such first-aid appliances as may be specified in the notice.

(2) The appliances provided in connection with any such premises shall be maintained by the occupier of the premises in good and efficient condition and available for instant use at all times during which the premises are open to the public.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section or who acts in contravention of the provisions of subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily penalty not exceeding two pounds.

(4) Any person aggrieved by any notice under this section may appeal to the sheriff.

(5) This section applies to—

(i) any building used as a place of public meeting or as a place of public amusement or entertainment or for holding large numbers of persons for any purpose whatsoever; and

(ii) any football ground or premises on which races of any description athletic sports or other sporting events take place to which members of the public are admitted for payment.

## PART X

### RESTAURANTS AND REFRESHMENT STALLS

Definitions for Part X of Order.

179. In this Part of this Order the expression—

"refreshment" means foodstuffs and beverages of any kind;

"special hours restaurant" means premises to which the public are admitted for the purchase and consumption therein of refreshments at any time between eleven o'clock in the evening and five o'clock in the morning.

Registration of special hours restaurants.

180.—(1) A person shall not keep any premises as a special hours restaurant unless such person and such premises are registered by the Corporation.

(2) Any person who makes application for registration as aforesaid shall be registered in respect of such premises in a register to be kept by the Corporation for the purpose and the Corporation shall issue to him a certificate of registration specifying the premises in respect of which he is registered.

(3) The Corporation shall not refuse to register any person in respect of any premises unless—

(*a*) the internal construction lighting and other arrangements of the premises are not such as to facilitate the orderly management and control thereof; or

(*b*) the use of the premises as a special hours restaurant is likely to cause material annoyance to persons residing in the neighbourhood thereof.

Penalty for keeping unregistered special hours restaurant.

181. Subject to the provisions of this Part of this Order any person who keeps any premises as a special hours restaurant unless he is the holder of a certificate of registration granted under this Part of this Order with respect to such premises shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Cancellation of registration.

182.—(1) If at any time after the issue by the Corporation of a certificate of registration under section 180 (Registration of special hours restaurants) of this Order circumstances exist such as if existing at the date of the application for registration would have entitled the Corporation to refuse to issue a certificate of registration they may (after giving the person concerned an opportunity of being heard) revoke the registration and the certificate of registration shall thereupon be annulled.

(2) Where any registration has been revoked by the Corporation under the provisions of this section they shall give notice in writing of such revocation to the person to whom the certificate of registration was issued and such person shall within seven days of receiving such notice deliver up his certificate of registration to the town clerk and

PART X —*cont.*

if he fails to do so he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

Control of stalls for sale of refreshments.

183.—(1) Any person who at any place (not being in premises in respect of which there is for the time being in force a certificate of registration under section 180 (Registration of special hours restaurants) of this Order or to which section 185 (Saving for certain premises) of this Order applies) opens or sets up any stall for the sale to the public of refreshments at any time between eleven o'clock in the evening and five o'clock in the morning without a permit from the Corporation (which the Corporation are hereby empowered to grant) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) A permit granted under this section shall remain in force for one year or for such shorter period as may be prescribed in the permit.

(3) Nothing in this section shall apply to any fair lawfully held or any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

Appeal against decisions under Part X of Order.

184. Any person aggrieved by any decision of the Corporation under this Part of this Order may appeal to the sheriff.

Saving for certain premises.

185. Nothing in this Part of this Order shall apply to any premises—

(*a*) in respect of which a certificate for the sale of exciseable liquor under Part III of the Licensing (Scotland) Act 1903 is in force; or

(*b*) registered as a club under Part V of the Licensing (Scotland) Act 1903; or

(*c*) by reason of the service therein of refreshment on any occasion on which a special permission under section 40 of the Licensing (Scotland) Act 1903 is in force; or

(*d*) in respect of which a licence as a place of public entertainment under the city Acts or a licence under the Cinematograph Acts 1909 and 1952 is in force; or

(*e*) used as a place of refreshment within any station or depot of the transport commission or operators of public service vehicles; or

(*f*) used as a hotel boarding-house or common lodging-house; or

(*g*) comprising any restaurant or hostel managed and maintained by any duly constituted religious or charitable society or body; or

(*h*) forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949.

Saving for closing hours of shops.

186. Nothing in this Part of this Order shall be construed as allowing any premises to be kept open during any hours during which they are required to be kept closed under the provisions of any Act or of any regulation or order made thereunder.

## PART XI

### ACQUISITION AND DISPOSAL OF LAND GENERAL IMPROVEMENTS ETC.

Acquisition of land for purposes of Order.

187.—(1) The Corporation may acquire by agreement whether by way of purchase feu lease or excambion any land within or outwith the city for the purposes of any of their functions under this Order for the acquisition of which powers are not otherwise available.

(2) (*a*) The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purposes of any of their functions under Part V (Transport) of this Order and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

(*b*) Nothing in this subsection shall authorise the compulsory acquisition of any operational land of any railway canal dock harbour gas or electricity undertakers.

Power to Corporation to acquire Trinity Hospital lands.

188.—(1) The Corporation may with the consent of the Secretary of State acquire for the purpose of any of their functions by way of purchase feu lease or excambion any land vested in themselves as governors and administrators of Trinity Hospital.

(2) The consideration for any such acquisition whether by way of purchase price feu duty rent or otherwise shall be determined by a valuer to be appointed by the Secretary of State on the application and at the expense of the Corporation.

Power to let sell etc. lands.

189. Subject to any existing statutory provisions the Corporation may from time to time by public roup or private bargain lease sell feu or otherwise dispose of any lands vested in them for the purposes of the city Acts and not required for such purposes and that on such terms and conditions as regards their use as the Corporation may think fit:

Provided as follows:—

(*a*) the Corporation shall not (unless the Secretary of State otherwise consents) lease sell feu or otherwise dispose of any lands to which this section applies except at the best rent or price or on the best terms which can reasonably be obtained but a lessee purchaser or other person acquiring right to any such lands shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained;

(*b*) the proceeds of any such sale shall be applied only to purposes to which capital is properly applicable including the redemption of debt; and

(*c*) the proceeds of the sale of any lands vested in the Corporation for the purposes of the water undertaking or the transport undertaking or forming part of the common good shall be applied only to the purposes of the water undertaking or the transport undertaking or the common good as the case may be.

PART XI —*cont.*

General improvements

190.—(1) The purposes for which the Corporation may exercise the powers conferred on them by subsection (1) of section 187 (Acquisition of land for purposes of Order) of this Order shall include the acquisition by the Corporation of land suitable for public buildings or other works of a permanent character or such general improvements as may be conducive to the amenity of the city or the promotion of the health convenience and recreation of the inhabitants.

(2) The Corporation may lay out form and maintain such works and improvements with all proper and convenient accesses thereto.

(3) The Corporation may maintain or contribute towards the maintenance of land or buildings provided by any person for any of such purposes.

## PART XII

## FINANCE

### *A. General*

Definitions for Part XII of Order.

191. In this Part of this Order unless the subject or context otherwise requires—

"general reserve fund" means the fund maintained by the Corporation in pursuance of section 198 (General reserve fund) of this Order;

"trust" and "trustees" have the respective meanings assigned by the Trusts (Scotland) Act 1921;

Commencement of Part XII of Order.

192. This Part of this Order shall except where otherwise provided come into operation on the twenty-ninth day of May nineteen hundred and fifty-nine.

Repeal of certain financial provisions of city Acts.

193. The provisions of the city Acts set out in Part II of the Ninth Schedule to this Order are repealed as from the commencement of this Part of this Order.

Financial year.

194. The financial year of the Corporation shall be the year commencing on the twenty-ninth day of May.

Application of Part IX of Act of 1947.

195. The provisions of Part IX of the Act of 1947 so far as relating to town councils and to burghs and except in so far as amended modified varied or extended by this head of this Part of this Order shall continue to apply to the Corporation and to the city.

Fees etc. recovered by town clerk to be paid into burgh fund.

196. All fees costs charges and disbursements recovered by the town clerk shall be paid into the burgh fund.

Capital fund.

197.—(1) The Corporation may establish and maintain a fund to be called "the capital fund" for the purpose of defraying capital expenditure other than expenditure in respect of the transport undertaking the water undertaking or the common good.

(2) The capital fund shall be formed by appropriating such sums out of the burgh fund as the Corporation may from time to time deem expedient:

Provided that—

(*a*) the sum so appropriated in any year shall not except with the consent of the Secretary of State exceed an amount equal to the product of a rate of threepence in the pound; and

(*b*) no sum shall be appropriated as aforesaid so as to cause the capital fund to exceed five hundred thousand pounds. PART XII —*cont.*

(3) The amount which may be defrayed out of the capital fund in respect of any one transaction shall not exceed one hundred thousand pounds or such greater sum as may be allowed by the Secretary of State in any case.

General reserve fund

198.—(1) The Corporation may continue to maintain the general reserve fund established by them in pursuance of the repealed Acts and the general reserve fund may be applied in defraying any expenditure of the Corporation which might be met out of the city rate or any other rate which the Corporation have power to levy.

(2) The Corporation may in any financial year pay into the general reserve fund such amount as they may think fit so however that the general reserve fund shall not at any time exceed one-tenth of the aggregate capital expenditure of the burgh fund (other than capital expenditure applicable to the transport undertaking).

(3) This section shall not apply to—

(*a*) any reserve depreciation renewal or insurance funds applicable to the transport undertaking; or

(*b*) the British Empire Games Fund authorised by section 199 (Reserve fund for British Empire Games) of this Order.

Reserve fund for British Empire Games.

199.—(1) The Corporation may establish a fund (to be called the "British Empire Games Fund") for the purpose of meeting such expenditure as may be incurred by the Corporation in relation to the holding of the British Empire Games in the city in the year nineteen hundred and sixty-six or in any of the subsequent five years and of making financial contributions to the funds of any company society or body undertaking responsibility for organising the holding of the said games in the city.

(2) The British Empire Games Fund shall be formed by appropriating out of the burgh fund such annual sums (not exceeding in any one year the sum of fifteen thousand pounds) as the Corporation may from time to time deem expedient until the sums so appropriated amount to the sum of one hundred and fifty thousand pounds.

(3) Any balance of the British Empire Games Fund remaining after payment of the expenditure and contributions referred to in subsection (1) of this section shall be applied in such manner as the Corporation may determine in defraying expenditure of the Corporation which might be met out of the city rate.

(4) In the event of the British Empire Games not being held in the city in the year nineteen hundred and sixty-six or in the subsequent five years the British Empire Games Fund (so far as not previously applied in meeting any advance expenditure or contributions referred to in subsection (1) of this section) shall thereafter be applied in such manner as the Corporation may determine in defraying expenditure of the Corporation which might be met out of the city rate.

(5) Any moneys set aside by the Corporation before the commencement of this Part of this Order for the purposes mentioned in subsection (1) of this section shall be deemed to have been appropriated in pursuance of the provisions of this section and shall form part of the British Empire Games Fund.

PART XII —*cont.*

Investment of reserve etc. funds.

200.—(1) The Corporation may invest any capital reserve depreciation accident insurance renewal superannuation or other funds belonging to or held by them in connection with any of their functions in any securities in which trustees are by the law of Scotland for the time being authorised to invest including securities of the Corporation.

(2) Without prejudice to the powers conferred on the Corporation by the preceding subsection the Corporation may invest the superannuation fund administered by them in or upon—

(i) the bonds debentures debenture stock mortgages or other securities; and

(ii) the guaranteed or preference or ordinary stock or shares which are quoted on the London Stock Exchange;

of any company incorporated in the United Kingdom.

(3) An investment shall not be made under the powers of subsection (2) of this section—

(i) unless the company in or upon whose bonds debentures debenture stock mortgages securities stock or shares an investment is to be made shall have paid dividends on their ordinary capital at the rate of at least five per centum per annum for not less than four years prior to the date of investment; and

(ii) so long as the value of all the investments under the said subsection which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund.

(4) The Corporation may from time to time vary any investments made by them under this section by sale and re-investment or otherwise.

*B. Rating*

Application of Part XI of Act of 1947.

201. The provisions of Part XI (other than section 239) of the Act of 1947 so far as relating to town councils and to burghs and except in so far as amended modified varied or extended by this head of this Part of this Order shall continue to apply to the Corporation and to the city:

Provided that in its application to the Corporation and to the city section 247 of the Act of 1947 shall be read and have effect as if—

(i) the word "rates" included any additional sum payable in accordance with the provisions of section 206 (Penalty for non-payment of rates) of this Order; and

(ii) the words "(other than goods or effects deposited in the ordinary course of business with such person for repair or storage)" were inserted after the words "in the lawful possession of such person" in paragraph (*a*) of subsection (2).

City rate.

202. In its application to the city the Act of 1947 shall be read and have effect as if for the words "burgh rate" wherever they occur there were substituted the words "city rate" and any reference to the "burgh rate" or "burgh assessments" in the city Acts or in any other enactment applicable to the city shall be deemed to be a reference to the "city rate".

PART XII —*cont.*

Expenditure payable out of city rate.

203. Except as otherwise provided in any other enactment the expenditure of the Corporation in exercising functions under any public general Act and in carrying out the provisions of the city Acts or any other Act or Order of or relating to the Corporation shall so far as not otherwise met be defrayed out of the city rate.

Fraction of a penny of rates.

204. In fixing the city rate the Corporation shall not be bound to include a fraction of a penny.

Corporation may allow discount for prompt payment of rates.

205.—(1) The Corporation may by resolution direct that an allowance by way of discount not exceeding two and one-half per centum shall be made on the amount due in respect of the city rate and the domestic water rate from every person who shall pay the net amount of such rates due by him before such date as the Corporation shall prescribe:

Provided that—

(*a*) such discount shall not be made where the person paying the rates is an owner who is entitled to any allowance commission discount or other deduction under any other enactment; and

(*b*) such discount shall be made at the same rate to all persons entitled thereto; and

(*c*) while any resolution under this section is in force there shall be included in every demand note to which a resolution under this section applies a statement of the effect of the resolution including the date after which payment must be made in full.

(2) The Corporation may at any time revoke or vary a resolution under this section.

Penalty for non-payment of rates.

206. If on the first day of March in any year any person has not paid the amount due by him in respect of the city rate and domestic water rate a sum equal to one penny upon each pound of rateable value of the lands and heritages in respect of which such rates are due shall be payable by such person in addition to the amount due by him in respect of the city rate and domestic water rate.

Rating of assembly hall theological colleges etc.

207. The city rate shall be levied only to the extent of forty-five and one-quarter per centum thereof in respect of the following lands and heritages:—

(*a*) the assembly hall college and halls of the Church of Scotland at Mound Place;

(*b*) the theological college of the Free Church of Scotland at North Bank Street;

(*c*) the theological hall and college of the Episcopal Church in Scotland at Rosebery Crescent and Grosvenor Crescent; and

(*d*) the theological hall of the Congregational Church at Hope Terrace;

but only so long as the use of such lands and heritages is wholly or mainly for purposes connected with the said churches respectively and no profit is derived by them from the use of such lands and heritages for any other purpose.

PART XII —*cont.*

Rating of University of Edinburgh.

208.—(1) The city rate shall be levied only to the extent of forty-five and one-quarter per centum thereof in respect of lands and heritages owned by the University Court of the University of Edinburgh and occupied and used by them for educational or administrative purposes.

(2) This section shall cease to have effect on the twenty-eighth day of May nineteen hundred and sixty-three.

As to rating of certain charitable subjects.

209.—(1) The city rate shall be levied only to the extent of forty-five and one-quarter per centum thereof in respect of the lands and heritages to which this section applies.

(2) This section applies to the lands and heritages occupied and used solely for the purposes of public charity in respect of which partial exemption from the city rate was effective at the commencement of this Order in pursuance of the repealed Acts so long as they are used for such purposes by the person or body occupying such lands and heritages at that date.

(3) This section shall cease to have effect on the twenty-eighth day of May nineteen hundred and sixty-three.

Rating of Granton Harbour.

210.—(1) The city rate shall be levied only to the extent of seventy-four and one-half per centum thereof in respect of lands and heritages within the Granton Harbour limits owned and occupied by Granton Harbour Limited and their successors but only so long as the said harbour exists and is used as a harbour or docks.

(2) For the purposes of this section "Granton Harbour limits" has the same meaning as in paragraph (1) of section 360 (For protection of Granton Harbour Limited) of the Order of 1933.

Rating of harbour and docks of Leith.

211. The city rate shall be levied only to the extent of sixty-one and three-quarters per centum thereof in respect of lands and heritages within the harbour and docks of Leith owned and occupied by the dock commission.

Power to redeem special assessments on mills on Water of Leith.

212.—(1) The Corporation may agree with the occupiers of (*a*) Kinleith Paper Mill Currie and (*b*) Balerno Bank Paper Mill Balerno (being the only mills and other works now remaining of the mills and other works in the parish of Currie specified in the Third Schedule to the Water of Leith Purification and Sewerage Act 1889) for the redemption of the special rate or assessment levied on the said mills and other works in pursuance of section 81 (Assessment on mills and works) of the said Act and on payment of such sum as may be agreed between the Corporation and the occupier of either of the said mills the provisions of the said section 81 shall so far as affecting the same cease and determine.

(2) The provisions of the said section 81 so far as affecting Kinauld Tannery Currie (to which they had been applied under section 82 of the said Act) shall cease and determine on the twenty-eighth day of May first occurring after the passing of the Act confirming this Order.

Deficiency or surplus on transport undertaking.

213.—(1) In the event of there being any deficiency of revenue in any financial year in the accounts of the transport undertaking which cannot otherwise be provided for under the enactments in force applicable to the transport undertaking the Corporation shall fix and determine the amount of such deficiency to be met out of the city rate and thereafter such amount shall be payable out of the city rate.

(2) Any surplus of revenue in any year in the accounts of the transport undertaking may be credited to the city rate. PART XII —*cont.*

*C. Borrowing*

214. The provisions of Part XII of the Act of 1947 so far as relating to town councils and to burghs and except in so far as amended modified varied or extended by this head of this Part of this Order shall with all necessary modifications extend and apply to the Corporation and to the city in addition to the provisions of the Act of 1947 now applicable to the Corporation and to the city. Application of Part XII of Act of 1947.

215. In its application to the Corporation section 258 of the Act of 1947 shall have effect as if the words " as nearly as may be at or " were inserted between the words " repaid " and " before " in the proviso to subsection (2) thereof. Application of section 258 of Act of 1947.

216. In addition to the modes of borrowing authorised by section 260 of the Act of 1947 the Corporation may raise any money which they are authorised to borrow by the issue of— Power to borrow by means of bills etc.

(*a*) bills or promissory notes; and

(*b*) bonds.

217.—(1) The following provisions shall apply and have effect with respect to the issue by the Corporation of bills or promissory notes under the powers conferred on them by section 216 (Power to borrow by means of bills etc.) of this Order:— As to issue of bills or promissory notes.

(*a*) the total amount of such bills or promissory notes issued and outstanding shall not at any time exceed the sum of one million pounds;

(*b*) a register of the bills or promissory notes from time to time issued or renewed by the Corporation shall be kept by the city chamberlain and such register shall show the amount of each bill or promissory note the names of the persons by whom it is signed the date of issue the date when the same falls due and the date of payment;

(*c*) each bill or promissory note shall be for an amount of not less than five hundred pounds;

(*d*) the amount of money received by the Corporation in respect of a bill or promissory note shall be deemed to be principal money raised by means of such bill or promissory note and the difference between the amount payable in respect of a bill or promissory note and the amount received in respect thereof shall be deemed to be interest on the principal money so raised;

(*e*) all bills or promissory notes issued by the Corporation shall be in or as nearly as may be in the form contained in the Sixth Schedule to this Order;

(*f*) all bills or promissory notes issued under the provisions of this section shall be sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk and the city chamberlain;

PART XII —*cont.*

(*g*) upon repayment of the sum contained in any bill or promissory note the city chamberlain shall uplift the note endorsed by the holder and shall thereupon cancel the same by perforated stamp and an entry of such cancellation shall be made in the register of bills or promissory notes.

(2) The register of bills or promissory notes to be kept in accordance with the provisions of the preceding subsection shall be open to inspection without payment at all reasonable times by any creditor of the Corporation.

(3) The register of bills or promissory notes kept by the Corporation in pursuance of the repealed Acts shall be deemed to form part of the register to be kept in accordance with the provisions of this section.

As to issue of bonds.

218.—(1) The provisions of the Seventh Schedule to this Order shall apply and have effect with respect to the issue by the Corporation of bonds (to be called "Edinburgh Corporation bonds" and in this head of this Part of this Order referred to as "bonds") under the powers conferred on them by section 216 (Power to borrow by means of bills etc.) of this Order.

(2) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899.

(3) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if they were stock or funded debt within the meaning of that section.

Extinction of securities redeemed or purchased.

219. All Corporation securities purchased by the Corporation for extinction shall forthwith be cancelled by the Corporation and on such cancellation such securities and all dividends and interest thereon (not already accrued) shall by virtue of this Order be extinguished.

Stamp duty on transfer.

220. Unless the Corporation have compounded for stamp duty at the date of the resolution of the first creation of Corporation stock all stock issued by the Corporation shall notwithstanding anything in any resolution of the Corporation be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Forgery.

221.—(1) Corporation stock shall be deemed capital stock of a body corporate within the meaning of the Forgery Act 1861.

(2) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the meaning of the Forgery Act 1870.

Loans fund.

222. The loans fund established by the Corporation in pursuance of the repealed Acts shall be deemed to be a loans fund established under section 275 of the Act of 1947:

Provided that in their application to the Corporation the provisions of rule 16 of the Eighth Schedule to the Act of 1947 shall have effect as if—

(i) after paragraph (*b*) of sub-rule (4) there were inserted the words—

"or

(*c*) towards the cost of any scheme of public improvement within the city"; and

(ii) between the words " paragraph (*b*) " and " hereof " in the proviso to sub-rule (4) there were inserted the words " or (*c*) ". PART XII —*cont.*

Power to lend to certain bodies.

223.—(1) Subject to the provisions of this head of this Part of this Order the Corporation may from time to time lend to—

(*a*) the dock commission;

(*b*) the governors of Heriot-Watt College;

(*c*) any other local authority;

(*d*) the managers of any educational establishment in the city; and

(*e*) the Lothians River Purification Board;

(all of which are hereinafter in this section referred to as " the borrowing authorities ") such sums of money as the borrowing authorities are authorised to borrow under any enactment and that upon the security of any property rates assessments rents revenues or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

(2) The following provisions shall apply to moneys raised by the Corporation for the purposes of this section and to the payments of interest and principal in respect thereof:—

(*a*) the sum shall be advanced by the Corporation to the borrowing authorities for a period not exceeding that for which the borrowing authorities are authorised to borrow the same and with a provision for repayment by annual instalments or otherwise as the Corporation and the borrowing authorities may agree;

(*b*) all sums received for interest shall be credited to the interest account in the loans fund;

(*c*) all sums received for principal shall be applied in the manner directed in paragraph (*d*) of rule 6 of the rules set out in the Eighth Schedule to the Act of 1947;

(*d*) if any sum payable to the Corporation for principal shall not be received within six months of the time appointed for the payment thereof a like sum shall be raised by means of the city rate and applied or invested in place thereof by the Corporation and if after such application or investment the sum or any part thereof shall be received by the Corporation the same shall be carried to the credit of the city rate; and

(*e*) the Corporation may charge to the borrowing authority such proportion of management expenses in connection with the loans fund as they think fit.

(3) For the purposes of this section the expression " managers " and " educational establishment " have the meanings respectively assigned to them by section 143 of the Education (Scotland) Act 1946.

(4) The purposes of this section shall be deemed to be purposes for which the Corporation are authorised to borrow.

Borrowing for purposes of Order.

224.—(1) The Corporation may from time to time borrow such money as may be necessary—

(*a*) for the purposes of this Order to which capital is properly applicable and for which borrowing powers are not otherwise available; and

PART XII —*cont.*

(*b*) for paying the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto;

in the same manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947 and the provisions of Part XII of the Act of 1947 as applied by this Order shall extend and apply with respect to the borrowing of money under this section.

(2) Notwithstanding anything contained in section 262 of the Act of 1947 any money borrowed for the purposes specified in paragraph (*a*) of the preceding subsection (other than money borrowed for the purpose specified in subsection (4) of section 25 (Rearrangement of registration districts) of this Order) shall be repaid within forty years from the date or dates of borrowing the same and any money borrowed for the purposes of paragraph (*b*) of the preceding subsection or of the said subsection (4) of the said section 25 shall be repaid within five years from the twenty-ninth day of May first occurring after the commencement of this Order or after the date of borrowing as the case may be.

Saving in respect of existing borrowings.

225. Notwithstanding their repeal the provisions of the repealed Acts so far as applicable shall continue to extend and apply as fully and effectually as if the Act confirming this Order had not been passed in respect of the amounts of money borrowed by the Corporation for the several purposes of the repealed Acts but only so far as the amounts borrowed were outstanding and not paid off as at the twenty-eighth day of May nineteen hundred and fifty-nine.

Saving for control on borrowing.

226. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946 or of section 259 of the Act of 1947.

## PART XIII

### TRUSTS AND ENDOWMENTS

Definitions for Part XIII of Order.

227. In this Part of this Order unless the subject or context otherwise requires—

" Corstorphine and Cramond endowments " means the funds of the following trusts:—

| | |
|---|---|
| (i) Sir William Ramsay Watson's bequest (1843) | For behoof of persons in poor circumstances in the parish of Corstorphine; |
| (ii) Sir Alexander Keith's bequest (1822) | |
| (iii) John Watson of Saughton bequest | For behoof of persons in poor circumstances in the parish of Cramond; |
| (iv) The Tollcross Feuduty fund | |

" Leith wards " means the Wards XVIII (West Leith) XIX (Central Leith) and XX (South Leith);

"office-bearers" includes the lord dean of guild the honorary treasurer and the convener of trades;

"surplus fire fund" means the fund raised by voluntary subscriptions to relieve the sufferers by a great fire which occurred in the city in the year eighteen hundred and twenty-four and any accumulation thereof;

"trusts" includes all mortifications endowments trusts charitable bequests or other grants however constituted.

Trusts vested in Corporation etc.

228. Subject to the provisions of this Order all trusts held or administered by the Corporation or by the magistrates councillors or office-bearers respectively shall subject to all the conditions under which they were conveyed granted settled or held be vested in held and administered by the Corporation or by so many of their number to be chosen by them for that purpose as are appointed or required as may be necessary.

Special provisions with regard to Leith trusts.

229.—(1) All trusts formerly administered by the Leith Town Council or by the provost and magistrates of the former burgh of Leith shall continue to be administered by the councillors for the Leith wards.

(2) As regards any trusts or charitable or other institutions administered by governing bodies on which the former Leith Town Council were entitled to appoint representatives such representatives shall continue to be appointed by the Corporation from among the councillors for the Leith wards.

Surplus fire fund.

230. The Corporation may apply the surplus fire fund—

(*a*) for the relief of any persons suffering serious injury or of the dependants of persons who have lost their lives or have suffered serious injury in or in connection with fires occurring within the city; and

(*b*) for making awards or grants to persons who have rendered meritorious services (including in particular the saving of life) in or in connection with such fires.

Corstorphine and Cramond endowments.

231.—(1) The Corstorphine and Cramond endowments vested in the Corporation shall be administered for the benefit of persons in poor circumstances in wards XI (Corstorphine) and XII (Murrayfield-Cramond).

(2) The councillors for wards XI (Corstorphine) and XII (Murrayfield-Cramond) shall be members of the committee of the Corporation dealing with the administration of the Corstorphine and Cramond endowments for the purposes of such administration.

Saving for certain schemes of administration.

232. Nothing in this Part of this Order shall be in derogation of the schemes of administration of the Trinity Hospital and subsidiary trusts of the Horne Mortification and the Alexander Mortification approved by the Court of Session.

## PART XIV
## MISCELLANEOUS

Power to pay expenses of public ceremonies etc.

233. The Corporation may from the burgh fund pay reasonable expenses—

(*a*) in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing;

(*b*) in connection with the reception and entertainment by way of official courtesy of persons visiting the city;

(*c*) in connection with visits (whether inside or outside the United Kingdom) by way of official courtesy by or on behalf of the Corporation; and

(*d*) in connection with the conferring of the freedom of the city on any person and in providing suitable addresses and gifts on such occasions:

Provided that the Corporation shall in any year apply towards the expenditure incurred under this section the free surplus on revenue account in the common good available in that year.

Contributions to charities.

234. The Corporation may from the burgh fund pay reasonable subscriptions whether annually or otherwise not exceeding in the whole three thousand pounds in any financial year to the funds of any charitable associations or societies or other associations institutions or societies rendering national or public service.

Payment for damage occasioned by mobs.

235. The Corporation may to such extent as they think proper defray such claims as may be established to their satisfaction in respect of damage sustained in consequence of any riot or tumult.

Proceedings in burgh court not to be affected by death or resignation of city prosecutor.

236. Any prosecutions or other proceedings in the burgh court which have been raised by the city prosecutor (who for the purposes of this section shall include any interim city prosecutor) shall continue in force and effect notwithstanding the resignation or death of any such prosecutor and may be taken up and proceeded with by his successor.

Expenses of appeals from burgh court.

237. All expenses reasonably incurred by the city prosecutor in connection with appeals taken by him against decisions in any prosecutions or other proceedings raised by him or in defending appeals against any convictions sentences or orders following on any prosecutions or other proceedings raised by him shall be paid out of the burgh fund.

Representation of poor persons in burgh court.

238. The Corporation may make arrangements with the Society of Procurators of Midlothian or other appropriate body representing solicitors in the city for the services of a solicitor being available in the burgh court on behalf of poor persons and the Corporation may in respect of such services pay out of the burgh fund to the said society or to such other body such sum as they may determine not exceeding two hundred pounds annually.

Dwelling-houses for persons in Corporation's employment.

239. The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed whether within or without the city.

Calton Hill monument.

240. The Corporation may repair and preserve the national monument on the Calton Hill.

PART XIV —*cont.*

241.—(1) The Corporation may from time to time provide and maintain such public clocks as they may consider desirable. Power to provide public clocks.

(2) The Corporation may from time to time arrange with the proprietors of clocks to maintain any clocks which in their opinion are convenient for the use of the public.

242. The Corporation may provide and maintain automatic machines for weighing persons in any premises belonging to them and may charge for the use thereof. Corporation may provide automatic weighing-machines.

243.—(1) The powers of the Corporation in relation to any burial ground vested in or administered by them shall include power— Extension of power to maintain burial grounds.

(*a*) to level any grave therein; and

(*b*) to remove—

(i) any monument which in their opinion is in an unsound or dilapidated condition; and

(ii) any railing.

(2) At least one month before exercising any of the powers conferred on them by subsection (1) of this section the Corporation shall give notice of their intention to the lair-holder of any grave or grave space affected by the proposals unless that person cannot be found:

Provided that if any monument or railing to which such proposal relates is in such a condition that in the opinion of the Corporation it constitutes an imminent danger to persons resorting to the burial ground it shall not be necessary for them to give such notice but in that case they shall as soon as possible after the exercise by them of such power give notice of such exercise to such lair-holder unless that person cannot be found.

(3) A notice required to be given under subsection (2) of this section shall—

(i) contain brief particulars of the Corporation's proposals and if necessary specify an address at which full particulars of the proposals can be obtained;

(ii) state the effect of the next following subsection;

(iii) be deemed to have been properly addressed if it is sent to the person concerned by letter addressed to his last known address.

(4) (*a*) If notice of objection to the proposals is given to the Corporation by any lair-holder concerned within the period specified in subsection (2) of this section and is not withdrawn the proposals to which the objection relates shall not be carried out without the consent of the Secretary of State.

(*b*) In any case where the Corporation apply to the Secretary of State for such consent as aforesaid they shall inform the lair-holder who has given notice of objection of the Secretary of State's decision in the matter by sending a notification of such decision to him by ordinary post to the address stated by him in the said notice of objection.

PART XIV —*cont.*

(5) If any monument or railing removed under this section is n claimed within three months after the date of its removal the Corpor tion may put the same to such use as they think appropriate destroy it.

(6) The Corporation shall so far as reasonably practicable caus to be made a record of each monument removed under this sectio and deposit a copy of the record with the Registrar-General.

(7) In this section—

" burial ground " includes a churchyard;

" lair-holder " means the person for the time being having the exclusive right of burial in a grave or grave space and where such right of burial has been exhausted means the next of kin or the personal representative of the person whose remains were last interred in such grave or grave space;

" monument " includes a headstone tombstone memorial tablet panel or plaque;

" railing " includes any kerbstone cornerstone fence chain wall edge or other material marking or enclosing the site of a grave or of a monument.

As to use of Castle Terrace Gardens for purposes of section 120 of Act of 1930.

244. Notwithstanding anything in section 152 (Powers of Corporation with regard to open spaces taken over) of this Order or in any resolution of the Corporation with respect to Castle Terrace Gardens the Corporation may utilise Castle Terrace Gardens or any part thereof as a parking place for vehicles and may exercise with respect to Castle Terrace Gardens or any part thereof utilised by them as a parking place for vehicles all the powers conferred on a local authority by section 120 of the Act of 1930 with respect to any land (not being part of a street) utilised as a parking place pursuant to the provisions of that section.

Confirming agreement with dock commission as to certain streets.

245. The agreement as set forth in the Eighth Schedule to this Order made between the Corporation and the dock commission is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof.

Certain promenades to be deemed to be footpaths.

246. The following promenades shall be deemed to be footpaths within the meaning and for the purposes of the city Acts:—

(i) Joppa—Seafield.

(ii) Granton—Cramond.

Storage of paraffin oil.

247.—(1) (*a*) A person shall not use any premises forming part of a building any other part of which comprises a dwelling-house or a place in which any person works for the storage of paraffin oil for the purposes of sale or trade unless and until such premises have been registered by the Corporation as being suitable for such purposes and the Corporation are satisfied that—

(i) adequate means of escape in case of fire will be provided;

(ii) adequate appliances will be provided and maintained in the premises for extinguishing fire; and

(iii) notices will be displayed in prominent positions in or on the premises indicating the existence of dangers from fire.

(*b*) An application for registration under this section may be made by an owner or occupier of premises but where an application is made by an occupier who is not the owner evidence of the consent thereto of the owner shall be produced to the Corporation.

(2) The Corporation may at any time by notice in writing to the occupier of any premises registered under subsection (1) of this section vary their requirements as to means of escape appliances or notices.

(3) After any such premises have been registered by the Corporation for the purposes of this section a material extension or material structural alteration of the premises shall not be carried out without the consent of the Corporation which consent may be granted subject to such conditions as the Corporation may prescribe and in the event of any such extension or alteration being carried out without such consent such premises shall be deemed to be no longer registered for the purposes of this section.

(4) Any person aggrieved by—

(i) any refusal of the Corporation to register any premises for the purposes of this section;

(ii) any requirement of the Corporation under subsection (2) of this section; or

(iii) any refusal of the Corporation to grant their consent under subsection (3) of this section;

may appeal to the sheriff.

(5) (*a*) If any person uses any premises in contravention of the provisions of subsection (1) of this section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(*b*) If the occupier of any premises registered in accordance with the provisions of this section fails to comply with any requirement of the Corporation under subsection (2) of this section or fails to maintain in such premises in good and efficient condition any means of escape in case of fire or appliances provided for extinguishing fires or notices required to be displayed he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily penalty not exceeding two pounds.

(6) This section shall not apply to any premises in relation to which the following conditions are fulfilled:—

(*a*) the paraffin oil stored therein is stored in separate glass earthenware or metal vessels securely stopped and containing not more than one pint each and the aggregate amount so stored does not exceed three gallons; or

(*b*) the quantity of paraffin oil stored therein does not exceed one hundred gallons and is stored in one or more tanks or containers approved for the purpose by the Corporation or any person authorised by them in that behalf:

PART XIV —*cont.*

Provided that in relation to any premises to which paragraph (*b*) relates adequate means for extinguishing fire are kept and are maintained by the occupier in good and efficient condition.

(7) For the purposes of this section "paraffin oil" means the product of petroleum commonly known as "paraffin oil" or "kerosene" whatever its descriptive or trade name which is used or intended to be used as fuel.

(8) The Corporation shall keep a list of the types of tanks or containers from time to time approved by them for the purposes of paragraph (*b*) of subsection (6) of this section and such list shall be kept at the office of the town clerk and shall be open at all reasonable hours to the inspection of all persons interested without payment.

(9) Nothing in this section shall be in derogation of the Factories Act 1937.

**Lighting and ventilation of water-closets.**

248. The section enacted by section 26 (Water and water-closets) of the Edinburgh Corporation Order 1930 in place of section 57 (Water and water-closets) of the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 shall be read and have effect as if the following proviso were added to subsection (4) thereof:—

"Provided that the dean of guild court may grant warrant for the erection or reconstruction of a house notwithstanding that it is proposed that such house shall include water-closets not in such a position that one of the sides of every such closet is an external wall with a window therein if the court is satisfied that provision is made for each such water-closet being—

(i) adequately ventilated by means of suitable ventilating shafts or ducts or other fittings; and

(ii) adequately lit."

**Repair of chimney stalks roofs etc.**

249. The section enacted by section 43 (Chimney stalks roofs etc. to be repaired and secured) of the Edinburgh Corporation Order 1954 in place of section 55 (Chimney stalks roofs etc. to be repaired and secured) of the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 shall have effect as if—

(*a*) after paragraph (*b*) of subsection (4) thereof there were added the following paragraphs:—

"(*c*) For the purposes of the immediately preceding paragraph the expression 'gross annual value' in relation to any part of such building which is separately entered in the valuation roll means the gross annual value as shown in the valuation roll of such part of such building and in relation to any part of such building which along with other lands and heritages (not being part of such building) is entered as a *unum quid* in the valuation roll means the proportion of the gross annual value as shown in the valuation roll of the subjects so entered which is applicable to such part of such building according to an apportionment to be made by the city assessor;

PART XIV —*cont.*

(*d*) Any person aggrieved by such apportionment may appeal to the sheriff within fourteen days after receipt by him of intimation of such apportionment and the decision of the sheriff on any such appeal shall be final"; and

(*b*) there were added at the end of the section the following subsection:—

"(7) (*a*) For the purposes of this section 'owner' in relation to the recovery by the Corporation in pursuance of this section of the expense of carrying out repairs to any building means the owner of such building or the person deemed to be the owner of the building in pursuance of subsection (4) of this section at the date of the completion of such repairs without prejudice to the right of such owner or of such person to recover such expense from any other person.

(*b*) A certificate of the date of completion of repairs signed by the city engineer shall be conclusive evidence of such date in the absence of evidence to the contrary."

Street musicians.

250. Any person who for or in expectation of personal reward continues to sound or play any musical instrument or to sing or perform in any public place in the neighbourhood of any building after being required to desist by any person resident or occupying premises in the neighbourhood or by any constable shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

Further power as to libraries.

251.—(1) The Corporation may for the purposes of carrying out their functions with respect to the public libraries—

(*a*) provide and lend or permit the use of gramophone records pictures film strips lantern slides and photographs (in this section severally referred to as an "article");

(*b*) require any person to whom an article is lent or who is permitted to use an article to deposit with the Corporation such sum as may be prescribed by the Corporation as security for the safe return of such article (which sum may be forfeited to the Corporation on failure to return such article within the time prescribed);

(*c*) prescribe a period within which an article borrowed from any of the public libraries or which any person is permitted to use must be returned thereto:

Provided that nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any works or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

(2) In this section the expression "film strips" shall not include any film comprising a series of pictures designed or intended to be projected in such a way as to produce a moving picture.

PART XIV —*cont.*

Definition of "cab".

252. Section 5 (Definition of cab) of the Edinburgh Corporation Order 1950 is hereby repealed and the said Order shall be read and have effect as if the following section were substituted therefor as section 5 thereof:—

"For the purposes of this Part of this Order 'cab' means every wheeled carriage whatever its form or construction and however drawn or propelled which stands for hire or plies for passengers for hire within the city and also includes any carriage kept by the owner in any building garage yard or other premises within the city for the purpose of being let out for hire with a driver but shall not include—

(*a*) any carriage so kept for the purpose of being let out for hire for the day or any longer period or so kept by any person in connection with any business carried on by such person as funeral director or undertaker and used wholly or partly in connection with such business; or

(*b*) a public service vehicle."

Prohibition on vehicles other than licensed cabs being fitted with taximeters etc

253.—(1) It shall not be lawful for any person to have on any mechanically propelled vehicle belonging to him or under his control (other than a cab in respect of which a licence is in force in pursuance of the provisions of Part II of the Edinburgh Corporation Order 1950 or any vehicle licensed as a cab by another local authority)—

(*a*) any taximeter or similar apparatus or any device having the appearance of a taximeter or similar apparatus;

(*b*) any notice sign or other indication which might reasonably be taken to indicate that the vehicle is a cab in respect of which a licence is in force in pursuance of the provisions of Part II of the Edinburgh Corporation Order 1950.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(3) For the purposes of this section "cab" has the same meaning as in the said Order of 1950 as amended by section 252 (Definition of "cab") of this Order.

## PART XV

## GENERAL

As to expenditure for purposes of Order.

254. All expenditure incurred by or on behalf of the Corporation in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder (or under any corresponding provisions of the repealed Acts) and not otherwise recovered as provided in this Order shall be defrayed out of the burgh fund.

Powers of Order to be cumulative.

255. All powers and duties conferred or imposed by this Order shall be deemed to be in addition to and not in derogation of any other powers and duties conferred or imposed by statute law or custom and subject to any repeal effected by or other express provision of

this Order all such other powers and duties may be exercised and shall be performed in the same manner as if the Act confirming this Order had not been passed. PART XV —*cont.*

256. Any power conferred on the Corporation by this Order to provide buildings or other premises for any purpose includes power to equip them with such furniture conveniences apparatus and instruments as may be reasonably necessary to enable them to be used for that purpose. Interpretation of "provide".

257. As respects byelaws made under this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be— Confirming authority for byelaws.

(*a*) in the case of byelaws made under section 116 (Power to run public service vehicles for special purposes) of this Order the Minister of Transport and Civil Aviation; and

(*b*) in all other cases the Secretary of State.

258.—(1) The provisions of this Order to which this section applies shall come into operation on such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more newspapers circulating in the city Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement: Commencement of certain provisions of Order.

Provided that if the provision is one which requires the grant of any certificate of registration or other authorisation the application for the certificate or other authorisation may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the following provisions of this Order:—

Part X (Restaurants and refreshment stalls);

Section 247 (Storage of paraffin oil).

(4) Any person who when any such provision comes into operation—

(*a*) was carrying on any business or using any premises for any purpose to which such provision applies; and

(*b*) has made application in accordance with the provisions of this Order for such registration or other authorisation as is required by this Order;

may continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 260 (Appeals to sheriff) of this Order.

PART XV —*cont.*

Fee for certain certificates of registration.

259. The Corporation may charge such fee as they may determine not exceeding one pound for the grant of a certificate of registration under the following sections of this Order:—

Section 180 (Registration of special hours restaurants);

Section 247 (Storage of paraffin oil).

Appeals to sheriff.

260.—(1) Where any provision of this Order provides for an appeal to the sheriff against a requirement refusal or other decision of the Corporation such appeal shall be by way of initial writ under the Sheriff Courts (Scotland) Acts 1907 to 1939 and shall be disposed of as a summary application as defined in the said Acts.

(2) The time within which such appeal may be brought shall unless otherwise provided be fourteen days from the date on which such requirement refusal or other decision was intimated to such person.

(3) In any case where such an appeal lies the document intimating to the person concerned the decision of the Corporation in the matter shall state the right of appeal and the time within which such appeal may be brought.

(4) On an appeal under this Order the sheriff may make such order confirming varying or reversing the requirement refusal or other decision of the Corporation as he shall think fit and it shall be the duty of the Corporation to give effect to the decision of the sheriff and in particular to grant or issue any consent permit licence or certificate of registration and to make any necessary entry in any register.

(5) (*a*) If the ground or one of the grounds of any decision of the Corporation appealed against is that any premises are not suitable for a particular purpose the sheriff may appoint an architect or surveyor to examine and report to him upon the condition of the premises and their suitability for the purpose and the report of such architect or surveyor shall be final and conclusive with respect to the matter of the remit.

(*b*) The expenses of any such examination and report shall in the first instance be paid by the parties equally and unless the sheriff otherwise directs shall be treated as expenses in the cause.

(6) Where a decision of the Corporation under this Order refusing cancelling or varying any consent permit licence or registration makes it unlawful for a person to carry on any business which he or his immediate predecessor in the business was lawfully carrying on at the date when the decision of the Corporation was given or to use any premises for any purpose for which he or his immediate predecessor in the business was lawfully using them at the said date he may carry on that business and use those premises for that purpose until the time for appealing has expired and if an appeal is lodged until the appeal is finally disposed of or abandoned or has failed for want of prosecution.

261. Where under this Order the Corporation— PART XV —*cont.*

(*a*) give their consent to the execution of any work or the doing of any act; or

(*b*) grant any licence certificate of registration or permit or other authorisation; Breach of conditions of consent.

subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall as regards liability to a penalty and other consequences be deemed to be equivalent to the execution of the work or the doing of the act without the required consent or acting without the necessary licence certificate or permit or other authorisation as the case may be.

262.—(1) Any authorised officer of the Corporation shall on producing (if required) his authorisation have a right at all reasonable hours to enter any premises— Power to enter premises.

(*a*) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Order or of any byelaws made thereunder (or under any corresponding provisions of the repealed Acts) or of any condition subject to which any consent permit or certificate of registration has been granted under this Order;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under this Order or any such byelaws;

(*c*) for the purpose of taking any action or executing any work authorised or required by this Order or any such byelaws or any order made under this Order to be taken or executed by the Corporation; and

(*d*) generally for the purpose of the performance by the Corporation of their functions under this Order and any such byelaws :

Provided that admission to any premises not being a factory workshop or workplace shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) The judge of police on the application of the city prosecutor may grant warrant to any authorised officer to enter any premises if need be by force on being satisfied—

(*a*) that admission to such premises has been refused or that refusal is apprehended or that the premises are unoccupied or the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(*b*) that there is reasonable ground for entry into the premises for any such purpose as aforesaid:

Provided that such a warrant shall not be granted unless the judge of police is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are

PART XV —*cont.*

unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) If any person who in compliance with the provisions of this section or with a warrant issued thereunder is admitted into any premises makes use of or discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret he shall unless such use or disclosure was made in the performance of his duty be guilty of an offence and shall be liable in respect of each offence—

(*a*) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment;

(*b*) on conviction on indictment to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(5) Every warrant granted under this section shall continue in force for a period of one month or until the purpose for which the entry is necessary has been satisfied whichever is the shorter.

(6) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(7) The firemaster and any member of the fire brigade acting within the city in pursuance of any arrangements made under the Fire Services Act 1947 authorised to that effect by the firemaster shall be deemed to be an authorised officer of the Corporation for the purposes of this section.

(8) Nothing contained in this section shall empower any authorised officer of the Corporation to enter any premises used only for the purposes of a private dwelling.

Application of certain sections of Order of 1933.

263. The sections hereinafter specified of the Order of 1933 shall so far as the same are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis in reference to the provisions of this Order as fully and effectually as if those sections had been re-enacted in this Order (that is to say):—

Section 326 (Penalty on persons obstructing Corporation or their workmen);

Section 327 (In default of owners &c. Corporation may execute works);

Section 328 (Tenants obstructing execution of works);

Section 331 (How expenses are to be recovered from owner);

Section 337 (When a Sunday &c. is last named day the day after to be the last day);

Section 349 (Procedure in burgh court);

Section 351 (Form and service of notice):

PART XV —*cont.*

Provided that section 349 (Procedure in burgh court) of the Order of 1933 shall not apply in the case of any offence under Part IV (Water) of this Order committed outwith the city or in the case of any offence under subsection (4) of section 262 (Power to enter premises) of this Order.

Limitation of obligations of factors etc.

264. Where a claim for recovery of any expense incurred by or on behalf of the Corporation under this Order in relation to any premises is made against a person as being the owner of such premises in respect of which the expense was incurred and such person proves that he—

(*a*) is receiving the rent of such premises merely as trustee tutor curator factor or agent for some other person; and

(*b*) has not and since the date of the service on him of a demand for payment has not had in his hands on behalf of that other person sufficient money to meet the whole claim;

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid but the Corporation may recover any unpaid balance of such expense from the person on whose behalf such trustee tutor curator factor or agent received the rent.

For protection of South of *Scotland* Electricity Board.

265. Nothing in this Order shall prejudice or affect the rights of the South of Scotland Electricity Board under the Electricity Supply Acts 1882 to 1936 and the Electricity (Scotland) Acts 1943 to 1957.

Crown rights.

266. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Works below high-water *mark*.

267. Nothing in this Order shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and Civil Aviation and subject to such conditions and restrictions as the said Minister may prescribe before such work is begun.

Saving for town and *country* planning.

268. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

PART XV —*cont.*

Repeal of Acts etc.

269. Subject to the provisions of this Order the provisions of the Acts and Orders specified in Part III of the Ninth Schedule to this Order (so far as not already repealed) are hereby repealed to the extent indicated in the third column of that schedule.

Saving from effect of repeal.

270.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

(*a*) all existing agreements made by the Corporation or their predecessors being agreements made under or confirmed by any of the repealed Acts shall so far as subsisting and in force at the commencement of this Order be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;

(*b*) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if the Act confirming this Order had not been passed;

(*c*) all existing annuities bonds mortgages or other securities made granted payable or created by the Corporation or their predecessors under any of the repealed Acts shall be and continue valid and available for all purposes as if the Act confirming this Order had not been passed;

(*d*) all actions arbitrations submissions prosecutions and proceedings by with or against the Corporation by reason of any matters or things done before the commencement of this Order in execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by with or against the Corporation as if the Act confirming this Order had not been passed;

(*e*) all existing byelaws rules regulations orders licences registrations consents sanctions permissions and approvals and things done in execution of or in relation to or granted in pursuance of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;

(*f*) in the case of a byelaw which has been made before the commencement of this Order but which by reason of its not having been confirmed or of the time for disallowance

PART XV —*cont.*

not having expired is not in force at that date the same proceedings may be taken and with the same effect as if the Act confirming this Order had not been passed;

(*g*) all assessments rates requisitions rents tolls charges and other sums due at the commencement of this Order to the Corporation or the county council or the town councils (as defined in section 37 (Definitions for Part IV of Order) of this Order) under or in respect of any of the repealed Acts may be levied issued collected and recovered by the Corporation or county council or the said town councils as if the Act confirming this Order had not been passed;

(*h*) all books registers deeds plans documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed;

(*i*) all plans sections and books of reference and all corrections and certificates of corrections thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed;

(*j*) any agreement or document relating to any of the provisions of the repealed Acts which are re-enacted with or without modification in this Order shall unless the contrary intention appears be of full force and effect and shall be deemed to refer to the corresponding provisions enacted in this Order and any references in any such agreement or document to any such provisions of the repealed Acts shall be deemed to be a reference to such corresponding provisions.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

Costs of Order.

271. The costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh fund in such manner as the Corporation may determine.

# SCHEDULES

## FIRST SCHEDULE

(REFERRED TO IN SECTION 6 (BOUNDARIES OF THE CITY) OF THIS ORDER)

### BOUNDARIES OF THE CITY

Commencing at a point on the boundary of the parish of Dalmeny in the county of West Lothian at low-water mark of ordinary spring tides on the shore of the estuary of the Firth of Forth at or near to the mouth of the river Almond thence proceeding generally in an easterly direction along the said low-water mark to the western boundary of the parish of Inveresk thence proceeding generally in southerly and westerly directions along the western boundary of the last-mentioned parish to the parish of Newton thence proceeding generally in a westerly direction along the boundary of the last-mentioned parish to the point where that boundary crosses the western side of Millerhill Road thence southwards along the west side of the said road to its junction with Edmonstone Road thence continuing southwards and south-south-westwards along the west side of the said last-mentioned road to its junction with Old Dalkeith Road at a point 178 yards or thereby eastwards from the westmost boundary of enclosure No. 1858 on the Ordnance Survey (1/2500 scale) plan N.T. 3069 thence in a straight line southwards for a distance of 45 yards or thereby to a point on the boundary of the said parish of Newton 53 yards or thereby east of the eastern boundary of Deerpark thence in a south-easterly direction along the boundary of the said parish to the point where the said boundary first meets the boundary of the parish of Dalkeith thence proceeding generally in south-westerly and westerly directions along the boundary of the last-mentioned parish to the parish of Lasswade thence proceeding generally in south-westerly north-westerly and south-westerly directions along the boundary of the last-mentioned parish to the parish of Glencorse thence proceeding generally in a south-westerly direction along the boundary of the last-mentioned parish to the parish of Penicuik thence proceeding generally in a north-westerly direction along the boundary of the last-mentioned parish to the parish of Currie thence proceeding generally in northerly and westerly directions along the boundary of the last-mentioned parish to the north-east corner of the policies of Baberton House thence north-westwards in a straight line for a distance of 412 yards or thereby to the northernmost end of the west abutment of the railway bridge over the farm road leading to Baberton Mains thence in a straight line in a north-north-westerly direction for a distance of 2833 yards or thereby to the south-west corner of enclosure No. 1127 on the Ordnance Survey sheet (1/2500 scale) of Edinburghshire sheet II.12 (edition of 1914) thence continuing in a north-north-westerly direction for a distance of 620 yards or thereby along the western boundary of the said enclosure No. 1127 and of enclosure No. 1125 on the said map to the boundary of the said parish of Currie at the north-west corner of the said enclosure No. 1125 thence continuing northwards and westwards along the said boundary to the parish of Ratho thence proceeding generally in westerly and northerly directions along the boundary of the last-mentioned parish to the

parish of Kirkliston thence proceeding generally in north-westerly and north-easterly directions along the boundary of the last-mentioned parish to the parish of Dalmeny thence proceeding generally in north-easterly easterly and north-easterly directions along the boundary of the last-mentioned parish to the point of commencement. 1ST SCH. —*cont.*

## SECOND SCHEDULE

(REFERRED TO IN SECTION 7 (DIVISION INTO WARDS) OF THIS ORDER)

CONTENTS AND BOUNDARIES OF WARDS

### *I. St. Giles Ward*

That portion of the city comprehended within a line drawn from a point at the centre of the Regent Bridge south-eastwards along the centre of Calton Road to the stairway leading to the footbridge over the Waverley Station of the transport commission thence continuing south-eastwards along the centre of the said stairway and footbridge to Jeffrey Street thence eastwards south-eastwards and southwards along the centre of Jeffrey Street St. Mary Street and Pleasance to East Adam Street thence south-westwards along the centre of East Adam Street and West Adam Street to Richmond Place thence south-eastwards along the centre of Richmond Place to Hill Place thence south-westwards along the centre of Hill Place to Nicolson Street thence north-westwards along the centre of Nicolson Street to the north section of Nicolson Square thence south-westwards along the centre of the north and west sections of Nicolson Square and Marshall Street to Bristo Street thence north-westwards along the centre of Bristo Street to Teviot Place thence south-westwards along the centre of Teviot Place and Lauriston Place to Earl Grey Street thence north-westwards along the centre of Earl Grey Street to Fountainbridge thence south-westwards along the centre of Fountainbridge to a point opposite the centre of the access to the Union Canal Basin thence southwards in a straight line (except where it deviates round the west side of the building at or near the north end of the said Canal Basin) to the centre of the north end of the said Canal Basin thence south-westwards along the centre of the said Canal Basin and the Union Canal to Yeaman Bridge thence north-westwards along the centre of Yeaman Place to Dundee Street thence north-eastwards along the centre of Dundee Street to West Fountain Place thence north-westwards along the centre of West Fountain Place and Telfer Subway to the railway of the transport commission thence north-eastwards along the centre of the said railway to the bridge over the said railway at Grove Street thence north-westwards along the centre of Grove Street to Morrison Street thence westwards along the centre of Morrison Street to West Maitland Street thence north-eastwards along the centre of West Maitland Street Shandwick Place Princes Street and Waterloo Place to the point first mentioned.

### *II. Holyrood Ward*

That portion of the city comprehended within a line drawn from a point at the centre of the bridge over the railway of the transport commission at Marionville Road south-eastwards in a straight line (except where it deviates round the back of the pavilion at the east end of the New Meadowbank Sports Ground) to the junction of

2ND SCH —*cont.*

London Road and Meadowbank Terrace thence south-westwards along the centre of Meadowbank Terrace to the east end of Dukes Walk thence south-eastwards and southwards along the centre of the boundary wall of Holyrood Park to the north side of Duddingston Loch thence eastwards southwards and south-westwards along the north east and south sides of Duddingston Loch to a point where the said south side meets the prolongation north-westward of the centre of Duddingston Road West thence south-eastwards to and along the centre of Duddingston Road West to the bridge over the Braid Burn thence upstream along the centre of the Braid Burn to the St. Leonard's Branch Railway of the transport commission thence north-westwards along the centre of the said railway for a distance of 883 lineal yards or thereabouts thence westwards and north-westwards along the centre of the boundary wall of Holyrood Park for a distance of 1,610 lineal yards or thereabouts to St. Leonard's Lane thence south-westwards along the centre of St. Leonard's Lane to St. Leonard's Street thence southwards along the centre of St. Leonard's Street to Montague Street thence south-westwards along the centre of Montague Street to Clerk Street thence north-westwards along the centre of Clerk Street and Nicolson Street to Hill Place thence north-eastwards along the centre of Hill Place to Richmond Place thence north-westwards along the centre of Richmond Place to West Adam Street thence north-eastwards along the centre of West Adam Street and East Adam Street to Pleasance thence northwards north-westwards and westwards along the centre of Pleasance St. Mary Street and Jeffrey Street to the footbridge over the Waverley Station of the transport commission thence north-westwards along the centre of the said footbridge and stairway leading therefrom to Calton Road thence eastwards along the centre of Calton Road to Abbeyhill thence north-eastwards along the centre of Abbeyhill to the railway bridge spanning Abbeyhill at Rose Lane thence north-eastwards to and along the centre of the Leith Central Branch Railway of the transport commission to the bridge carrying the said railway over the Leith and Granton Branch Railway of the transport commission thence south-eastwards along the centre of the said Leith and Granton Branch Railway to the point first mentioned.

*III. George Square Ward*

That portion of the city comprehended within a line drawn from a point in Nicolson Street at the north section of Nicolson Square south-eastwards along the centre of Nicolson Street Clerk Street and South Clerk Street to Hope Park Terrace thence south-westwards westwards and north-westwards along the centre of Hope Park Terrace and Melville Drive to Meadow Place thence south-westwards along the centre of Meadow Place to Marchmont Road thence southwards along the centre of Marchmont Road to Warrender Park Road thence westwards and south-westwards along the centre of Warrender Park Road to Whitehouse Loan thence south-eastwards along the centre of Whitehouse Loan to the southern boundary of Bruntsfield Links thence westwards and north-westwards along the said boundary to Bruntsfield Place thence south-westwards along the centre of Bruntsfield Place to Montpelier Park thence north-westwards along the centre of Montpelier Park to Montpelier

2ND SCH. —*cont.*

Terrace thence north-eastwards along the centre of Montpelier Terrace to Viewforth Terrace thence north-westwards along the centre of Viewforth Terrace to Gilmore Place thence north-eastwards along the centre of Gilmore Place to Viewforth thence north-westwards along the centre of Viewforth to Viewforth Bridge thence north-eastwards along the centre of the Union Canal and the Union Canal Basin to the centre of the north end of the said Canal Basin thence northwards in a straight line (except where it deviates round the west side of the building at or near the north end of the said Canal Basin) to the centre of Fountainbridge at a point opposite the centre of the access to the said Canal Basin thence north-eastwards along the centre of Fountainbridge to Earl Grey Street thence south-eastwards along the centre of Earl Grey Street to Lauriston Place thence north-eastwards along the centre of Lauriston Place and Teviot Place to Bristo Street thence south-eastwards along the centre of Bristo Street to Marshall Street thence north-eastwards along the centre of Marshall Street and the west and north sections of Nicolson Square to the point first mentioned.

*IV. Newington Ward*

That portion of the city comprehended within a line drawn from a point at the boundary of Holyrood Park at St. Leonard's Lane south-eastwards and eastwards along the centre of the boundary wall of Holyrood Park for a distance of 1,610 lineal yards or thereabouts thence south-eastwards along the centre of the St. Leonard's Branch Railway of the transport commission for a distance of 883 lineal yards or thereabouts to the Braid Burn thence upstream along the centre of the Braid Burn to the bridge over the said burn at Peffermill Road thence north-westwards and south-westwards along the centre of Peffermill Road to Dalkeith Road thence north-westwards along the centre of Dalkeith Road to Lady Road thence south-westwards along the centre of Lady Road to Gordon Terrace thence southwards along the centre of Gordon Terrace to Esslemont Road thence south-westwards along the centre of Esslemont Road to West Mains Road thence westwards along the centre of West Mains Road to Blackford Avenue thence north-westwards westwards and north-westwards along the centre of Blackford Avenue to Grange Loan thence westwards along the centre of Grange Loan to Kilgraston Road thence north-westwards along the centre of Kilgraston Road to Beaufort Road thence north-eastwards along the centre of Beaufort Road to Chalmers Crescent thence northwards along the centre of Chalmers Crescent and Argyle Place to Melville Drive thence eastwards and north-eastwards along the centre of Melville Drive and Hope Park Terrace to South Clerk Street thence north-westwards along the centre of South Clerk Street to Montague Street thence north-eastwards along the centre of Montague Street to St. Leonard's Street thence northwards along the centre of St. Leonard's Street to St. Leonard's Lane thence north-eastwards along the centre of St. Leonard's Lane to the point first mentioned.

*V. Liberton Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Dalkeith Road at Lady Road south-eastwards along the centre of Dalkeith Road and Old Dalkeith Road to a point

2ND SCH. —*cont.*

on the city boundary where the city boundary crosses that road thence southwards following the city boundary for a distance of 34 lineal yards or thereabouts to a point 53 lineal yards or thereabouts eastwards from the eastern boundary of "Deerpark" thence generally southwards eastwards south-eastwards south-westwards and north-westwards along the city boundary to the south-east corner of Bog Strip Plantation thence north-westwards and northwards along the eastern side of Bog Strip Plantation to the north-east corner of the said Plantation adjacent to Frogston Road West thence in a straight line north-westwards to a point at the angle of the south boundary wall of the Braid Hills 145 lineal yards or thereabouts north of Elf Loch thence westwards along the centre of the said wall to Braid Road thence southwards along the centre of Braid Road for a distance of 35 lineal yards or thereabouts to the wall leading from the Buck Stone thence westwards and north-westwards along the centre line of the said wall (crossing Pentland Terrace and Comiston Springs Avenue where the line of the said wall is broken) and along the southern boundary of Braid Burn Valley Public Park to the Braid Burn thence upstream along the centre of the Braid Burn to the eastern boundary of Colinton Mains Farm thence northwards along the eastern boundaries of Colinton Mains Farm the City Hospital and Glenlockhart to Glenlockhart Road thence eastwards along the centre of Glenlockhart Road and Greenbank Drive to Comiston Road thence south-westwards along the centre of Comiston Road to the Braid Burn thence downstream along the centre of the Braid Burn to the rustic bridge over the said burn thence northwards north-westwards north-eastwards and eastwards along the centre of the public path round the south west and north sides of Blackford Hill to the main entrance gateway of the said hill thence northwards along the centre of Oswald Road to the bridge over the Suburban Branch Railway of the transport commission thence eastwards along the centre of the said branch railway to Blackford Avenue thence south-eastwards eastwards and south-eastwards along the centre of Blackford Avenue to West Mains Road thence eastwards along the centre of West Mains Road to Esslemont Road thence north-eastwards along the centre of Esslemont Road to Gordon Terrace thence northwards along the centre of Gordon Terrace to Lady Road thence north-eastwards along the centre of Lady Road to the point first mentioned.

*VI. Morningside Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Melville Drive at Argyle Place southwards along the centre of Argyle Place and Chalmers Crescent to Beaufort Road thence south-westwards along the centre of Beaufort Road to Kilgraston Road thence south-eastwards along the centre of Kilgraston Road to Grange Loan thence eastwards along the centre of Grange Loan to Blackford Avenue thence south-eastwards along the centre of Blackford Avenue to the bridge over the Suburban Branch Railway of the transport commission thence westwards along the centre of the said branch railway to the bridge at Oswald Road thence southwards along the centre of Oswald Road to the main entrance gateway of Blackford Hill thence westwards south-westwards south-eastwards and southwards along the centre of the public path round the north west and south sides of Blackford Hill

2ND SCH. —*cont.*

to the rustic bridge over the Braid Burn thence upstream along the centre of the Braid Burn to Comiston Road thence north-eastwards along the centre of Comiston Road to Greenbank Drive thence westwards along the centre of Greenbank Drive and Glenlockhart Road to the eastern boundary of Craiglockhart Golf Course thence north-westwards north-eastwards north-westwards and north-eastwards along the centre of the said boundary the eastern boundary of the policy lands of the Royal Edinburgh Hospital for Mental Disorders Craighouse Road and Myreside Road to the bridge over the Suburban Branch Railway of the transport commission thence south-eastwards and eastwards along the centre of the said branch railway for a distance of 654 lineal yards or thereabouts thence northwards to the southern boundary wall of the Royal Edinburgh Hospital for Mental Disorders thence north-eastwards along the said boundary wall for a distance of 167 lineal yards or thereabouts to the footpath leading to Morningside Terrace thence northwards along the centre of the said footpath and Morningside Terrace to Millar Crescent thence eastwards along the centre of Millar Crescent to Morningside Road thence northwards and north-eastwards along the centre of Morningside Road and Bruntsfield Place to the southern boundary of Bruntsfield Links thence south-eastwards and eastwards along the said boundary to Whitehouse Loan thence north-westwards along the centre of Whitehouse Loan to Warrender Park Road thence north-eastwards and eastwards along the centre of Warrender Park Road to Marchmont Road thence northwards along the centre of Marchmont Road to Meadow Place thence north-eastwards along the centre of Meadow Place to Melville Drive thence south-eastwards along the centre of Melville Drive to the point first mentioned.

*VII. Merchiston Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Bruntsfield Place at Montpelier Park southwards along the centre of Bruntsfield Place and Morningside Road to Millar Crescent thence westwards along the centre of Millar Crescent to Morningside Terrace thence southwards along the centre of Morningside Terrace and the footpath leading southwards therefrom to the southern boundary wall of the Royal Edinburgh Hospital for Mental Disorders thence south-westwards along the said boundary wall for a distance of 167 lineal yards or thereabouts thence southwards to the Suburban Branch Railway of the transport commission thence westwards and north-westwards along the centre of the said branch railway for a distance of 654 lineal yards or thereabouts to the bridge at Myreside Road thence south-westwards south-eastwards south-westwards and south-eastwards along the centre of Myreside Road Craighouse Road and the eastern boundaries of the policy lands of the Royal Edinburgh Hospital for Mental Disorders and of Craiglockhart Golf Course to Glenlockhart Road thence south-westwards westwards and north-westwards along the centre of Glenlockhart Road and Craiglockhart Avenue to Lanark Road thence north-eastwards along the centre of Lanark Road and Slateford Road to the bridge carrying the railway of the transport commission over Slateford Road thence north-eastwards along the centre of the said railway to the bridge carrying Dundee Street over the said railway

2ND SCH. —*cont.*

thence eastwards and north-eastwards along the centre of Dundee Street to Yeaman Place thence south-eastwards along the centre of Yeaman Place to Yeaman Bridge thence north-eastwards along the centre of the Union Canal to Viewforth Bridge thence south-eastwards along the centre of Viewforth to Gilmore Place then south-westwards along the centre of Gilmore Place to Viewforth Terrace thence south-eastwards along the centre of Viewforth Terrace to Montpelier Terrace thence south-westwards along the centre of Montpelier Terrace to Montpelier Park thence south-eastwards along the centre of Montpelier Park to the point first mentioned.

*VIII. Colinton Ward*

That portion of the city comprehended within a line drawn from a point at the centre of the Murray Burn north of Baberton Quarry and 270 lineal yards or thereabouts in a straight line westwards from the centre of the bridge carrying Wester Hailes Road over the said burn thence downstream along the centre of the said burn to a point where it meets the prolongation north-westwards of the line of the south-west rear fence bounding the properties on the south side of Parkhead Crescent thence south-eastwards and north-eastwards along the line of the said fence and the south-east rear fence bounding the said properties to a point where the prolongation of the said south-east fence meets the centre of the Murray Burn thence downstream along the centre of the said burn to the Water of Leith thence upstream along the centre of the Water of Leith to Lanark Road thence north-eastwards along the centre of Lanark Road to Craiglockhart Avenue thence south-eastwards eastwards and north-eastwards along the centre of Craiglockhart Avenue and Glenlockhart Road to the eastern boundary of Glenlockhart thence southwards along the eastern boundaries of Glenlockhart the City Hospital and Colinton Mains Farm to the Braid Burn thence downstream along the centre of the Braid Burn to the southern boundary of Braidburn Valley Public Park thence south-eastwards and eastwards along the said boundary and the centre line of the wall leading to the Buck Stone (crossing Comiston Springs Avenue and Pentland Terrace where the line of the said wall is broken) to Braid Road thence northwards along the centre of Braid Road for a distance of 35 lineal yards or thereabouts thence eastwards along the centre of the south boundary wall of the Braid Hills to a point at the angle of the said wall 145 lineal yards or thereabouts north of Elf Loch thence south-eastwards in a straight line to the north-east corner of Bog Strip Plantation adjacent to Frogston Road West thence southwards and south-eastwards along the eastern side of Bog Strip Plantation to the Lothian Burn thence generally south-westwards north-westwards and northwards along the city boundary to the north-east corner of the policies of Baberton House thence north-eastwards northwards and north-eastwards along the eastern bank of an open ditch crossing the railway of the transport commission thence generally northwards following the eastern bank of the said ditch to a point on the south side of the service road leading to Baberton Mains at a distance of 227 lineal yards or thereabouts from the junction of the said service road and Wester Hailes Road thence north-westwards in a straight line for a distance of 220 lineal yards or thereabouts along the line of a hedge to

2ND SCH. —*cont.*

the junction of hedges bounding the woodlands and fence on the north-eastern side of the woodlands of Baberton Quarry and prolongation of the said hedge and fence thence north-eastwards for a distance of 58 lineal yards or thereabouts crossing the Union Canal to the angle of a hedge thence north-westwards for a distance of 106 lineal yards or thereabouts along the line of the said hedge to the point first mentioned.

*IX. Sighthill Ward*

That portion of the city comprehended within a line drawn from a point at the centre of the Murray Burn north of Baberton Quarry 270 lineal yards or thereabouts in a straight line westwards from the centre of the bridge carrying Wester Hailes Road over the said burn south-eastwards along the line of a hedge for a distance of 106 lineal yards or thereabouts to the angle of the said hedge thence south-westwards for a distance of 58 lineal yards or thereabouts crossing the Union Canal to a point on the prolongation north-westwards of the line of a hedge and fence on the north-eastern side of the woodlands of Baberton Quarry thence south-eastwards in a straight line for a distance of 220 lineal yards or thereabouts to the south side of the service road leading to Baberton Mains at a distance of 227 lineal yards or thereabouts from the junction of the said service road and Wester Hailes Road thence south-westwards southwards and south-westwards following the eastern bank of an open ditch crossing the railway of the transport commission and following the eastern side of the said ditch to a point on the city boundary at the north-east corner of the policies of Baberton House thence north-westwards and northwards following the city boundary to a point on the east side of the service road to Redheughs Cottages 333 lineal yards or thereabouts south-eastwards from the junction of the said service road and Glasgow Road thence eastwards south-eastwards and eastwards along the line of a hedge and fence to and along the centre of The Stank to a point on The Stank 173 lineal yards or thereabouts in a straight line westwards from the point where the centre of the Edinburgh and Aberdeen line of the railway of the transport commission crosses The Stank thence southwards in a straight line for a distance of 185 lineal yards or thereabouts to a point 273 lineal yards or thereabouts in a straight line south-westwards from the said point where the said line of the said railway crosses The Stank thence eastwards in a straight line for a distance of 183 lineal yards or thereabouts to a point 190 lineal yards or thereabouts southwards from the said point where the said line of the said railway crosses The Stank thence north-eastwards in a straight line for a distance of 209 lineal yards or thereabouts to a point on the centre of the said line of the said railway 300 lineal yards or thereabouts north-west from the west side of the bridge carrying Gyle Road over the said line of the said railway thence south-eastwards and north-eastwards along the centre of the railway of the transport commission to Balgreen Road thence south-eastwards along the centre of Balgreen Road and Hutchison Crossway to the railway of the transport commission at a point where it crosses the prolongation of the centre line of Hutchison Crossway thence south-westwards along the centre of the said railway to the bridge carrying the said railway over Slateford Road thence south-westwards along the centre of Slateford Road and Lanark

2ND SCH. —*cont.*

Road to the Water of Leith thence downstream along the centre of the Water of Leith to the Murray Burn thence upstream along the centre of the Murray Burn to a point where the said burn meets the prolongation north-eastwards of the line of the south-east rear fence bounding the properties on the south side of Parkhead Crescent thence south-westwards and north-westwards to and along the line of the said fence and the south-west rear fence bounding the said properties to a point where the prolongation of the said south-west fence meets the centre of the Murray Burn thence upstream along the centre of the Murray Burn to the point first mentioned.

*X. Gorgie-Dalry Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Dalry Road at Morrison Street eastwards along the centre of Morrison Street to Grove Street thence south-eastwards along the centre of Grove Street to the bridge over the railway of the transport commission thence south-westwards along the centre of the said railway to the Telfer Subway thence south-eastwards along the centre of the Telfer Subway and West Fountain Place to Dundee Street thence south-westwards and westwards along the centre of Dundee Street to the bridge carrying Dundee Street over the railway of the transport commission thence south-westwards along the centre of the said railway to a point where it crosses the prolongation south-eastwards of the centre line of Hutchison Crossway thence north-westwards to and along the centre of Hutchison Crossway and Balgreen Road to Balgreen Bridge thence downstream along the centre of the Water of Leith to the bridge carrying the railway of the transport commission over the said Water of Leith thence north-eastwards along the centre of the said railway to Dalry Road thence north-eastwards along the centre of Dalry Road to the point first mentioned.

*XI. Corstorphine Ward*

That portion of the city comprehended within a line drawn from a point at the centre of The Stank at Saughtonhall Drive southwards along the centre of Saughtonhall Drive to Riversdale Road thence eastwards along the centre of Riversdale Road to Saughtonhall Terrace thence south-eastwards along the centre of Saughtonhall Terrace and Baird Grove to Baird Drive thence north-eastwards along the centre of Baird Drive to the Water of Leith thence upstream along the centre of the Water of Leith to Balgreen Bridge thence north-westwards along the centre of Balgreen Road to the railway of the transport commission thence south-westwards and north-westwards along the centre of the said railway and the Edinburgh and Aberdeen line thereof to a point 300 lineal yards or thereabouts north-west from the west side of the bridge carrying Gyle Road over the said Edinburgh and Aberdeen line thence south-westwards for a distance of 209 lineal yards or thereabouts to a point 190 lineal yards or thereabouts southwards from the point where the centre of the said line of the said railway crosses The Stank thence westwards in a straight line for a distance of 183 lineal yards or thereabouts to a point 273 lineal yards or thereabouts south-westwards from the said point where the said line of the said railway crosses The Stank thence

2ND SCH. —*cont.*

northwards for a distance of 185 lineal yards or thereabouts to a point on the centre of The Stank 173 lineal yards or thereabouts westwards from the said point where the said line of the said railway crosses The Stank thence westwards north-westwards and westwards along the centre line of The Stank and the line of a hedge and fence to a point on the city boundary on the east side of the service road leading to Redheughs Cottages 333 lineal yards or thereabouts south-eastwards from the junction of the said service road and Glasgow Road thence north-westwards and generally south-westwards north-westwards north-eastwards and eastwards along the city boundary to the junction of the Bughtlin Burn with the river Almond thence upstream along the centre of the Bughtlin Burn and watercourse to the south-east corner of Fox Covert thence southwards along the centre of a wall to the north-west corner of the grounds of Clermiston House thence north-eastwards along the northern boundary of the grounds of Clermiston House to Clermiston Road thence southwards along the centre of Clermiston Road to the northern boundary of " Hillwood " thence eastwards and south-eastwards along the northern and eastern boundaries of " Hillwood " to the northern boundary of the Scottish Zoological Park thence south-eastwards southwards south-westwards southwards and south-eastwards along the eastern boundary of the Scottish Zoological Park and the western boundary of " Beechwood " to Corstorphine Road thence eastwards along the centre of Corstorphine Road to Traquair Park East thence south-eastwards along the centre of Traquair Park East to the Corstorphine Branch of the railway of the transport commission at Pinkhill Station thence eastwards along the centre of the said branch railway to The Stank thence north-eastwards along the centre of The Stank to the point first mentioned.

*XII. Murrayfield-Cramond Ward*

That portion of the city comprehended within a line drawn from a point on the city boundary on the foreshore at low-water mark in prolongation of the eastern boundary of " Broomfield " south-westwards to the north-east corner of the grounds of " Broomfield " thence continuing south-westwards along the said boundary to a point at the centre of Marine Drive thence south-eastwards in a straight line to the access road leading to House o' Hill Road thence continuing south-eastwards along the centre of the said access road to the branch to Davidson's Mains of the railway of the transport commission thence south-eastwards along the centre of the said branch and the Granton Branch Railway to the bridge carrying the said branch railway over the main line of the railway of the transport commission at Russell Road thence south-westwards along the centre of the said main line to the Water of Leith thence downstream along the centre of the Water of Leith to Baird Drive thence south-westwards along the centre of Baird Drive to Baird Grove thence north-westwards along the centre of Baird Grove and Saughtonhall Terrace to Riversdale Road thence westwards along the centre of Riversdale Road to Saughtonhall Drive thence northwards along the centre of Saughtonhall Drive to The Stank thence south-westwards along the centre of The Stank to the Corstorphine Branch Railway of the transport commission thence westwards along the centre of the said branch railway to Traquair Park East at Pinkhill

2ND SCH. —*cont.*

Railway Station thence north-westwards along the centre of Traquair Park East to Corstorphine Road thence westwards along the centre of Corstorphine Road to the western boundary of "Beechwood" thence north-westwards northwards north-eastwards northwards and north-westwards along the western boundary of "Beechwood" and the eastern boundary of the Scottish Zoological Park to the eastern boundary of "Hillwood" thence north-westwards and westwards along the eastern and northern boundaries of "Hillwood" to Clermiston Road thence northwards along the centre of Clermiston Road to the northern boundary of the grounds of Clermiston House thence south-westwards along the said northern boundary to the north-west corner of the grounds of Clermiston House thence northwards along the centre of a wall to the watercourse at the south-east corner of Fox Covert thence downstream along the centre of the said watercourse and the Bughtlin Burn to the city boundary at the river Almond thence generally north-eastwards along the city boundary to a point at or near the mouth of the river Almond at low-water mark immediately to the north of Cramond Island thence generally south-eastwards and eastwards along the line of low-water mark to the point first mentioned.

*XIII. Pilton Ward*

That portion of the city comprehended within a line drawn from a point on the city boundary at the northern extremity of the eastern breakwater of Granton Harbour south-eastwards and southwards along low-water mark on the eastern side of the said breakwater to low-water mark on the foreshore thence south-eastwards in a straight line to the junction of Wardie Steps and Lower Granton Road thence south-westwards south-eastwards and southwards along the centre of Wardie Steps and Granton Road to Wardie Crescent thence westwards south-westwards and southwards along the centre of Wardie Crescent to Boswall Parkway thence westwards along the centre of Boswall Parkway to Boswall Terrace thence generally southwards along the centre of Boswall Terrace and Boswall Avenue to the Leith Branch Railway of the transport commission thence south-westwards along the centre of the said branch railway to the western boundary of the Northern General Hospital thence southwards along the said boundary to Ferry Road thence south-westwards along the centre of Ferry Road to the access road leading to House o' Hill Road thence north-westwards in a straight line to a point on the prolongation southwards of the eastern boundary of "Broomfield" at the centre of Marine Drive thence north-eastwards along the said eastern boundary and prolongation thereof to a point on the foreshore at low-water mark thence generally eastwards following the city boundary along the line of low-water mark to the point first mentioned.

*XIV. St. Bernard's Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Ferry Road at Inverleith Row south-eastwards along the centre of Inverleith Row to Canonmills Bridge thence upstream along the centre of the Water of Leith to Belford Bridge thence eastwards along the centre of Belford Road to Douglas Gardens thence south-eastwards along the centre of Douglas Gardens and Palmerston Place to West Maitland Street thence south-westwards

2ND SCH. —*cont.*

along the centre of West Maitland Street and Dalry Road to the railway of the transport commission thence south-westwards along the centre of the said railway to the bridge at Russell Road carrying the Granton Branch Railway of the transport commission thence north-westwards along the centre of the said Granton Branch Railway and the branch to Davidson's Mains of the railway of the transport commission to the bridge over the said last-mentioned branch railway carrying the access road from House o' Hill Road to Ferry Road thence north-westwards along the centre of the said access road to Ferry Road thence north-eastwards along the centre of Ferry Road to the point first mentioned.

*XV. St. Andrew's Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Leith Street at Princes Street south-westwards along the centre of Princes Street Shandwick Place and West Maitland Street to Palmerston Place thence north-westwards along the centre of Palmerston Place and Douglas Gardens to Belford Road thence westwards along the centre of Belford Road to Belford Bridge thence downstream along the centre of the Water of Leith to a point 93 lineal yards or thereabouts south-west from Canonmills Bridge thence southwards to the junction of Glenogle Road and Brandon Terrace thence south-westwards and south-eastwards along the centre of Brandon Terrace Brandon Street Pitt Street and Dundas Street to Abercromby Place thence north-eastwards along the centre of Abercromby Place and Albany Street to Broughton Street thence south-eastwards southwards and south-westwards along the centre of Broughton Street and Leith Street to the point first mentioned.

*XVI. Broughton Ward*

That portion of the city comprehended within a line drawn from a point at the centre of Ferry Road at Newhaven Road south-eastwards along the centre of Newhaven Road and Pilrig Street to Leith Walk thence south-westwards along the centre of Leith Walk to McDonald Road thence north-westwards westwards and south-westwards along the centre of McDonald Road Hope Crescent and East London Street to Broughton Street thence south-eastwards along the centre of Broughton Street to Albany Street thence south-westwards along the centre of Albany Street and Abercromby Place to Dundas Street thence north-westwards and north-eastwards along the centre of Dundas Street Pitt Street Brandon Street and Brandon Terrace to the junction of Brandon Terrace and Glenogle Road thence northwards to a point at the centre of the Water of Leith 93 lineal yards or thereabouts south-west from Canonmills Bridge thence downstream along the centre of the said Water of Leith to Canonmills Bridge thence north-westwards along the centre of Inverleith Row to Ferry Road thence north-eastwards along the centre of Ferry Road to the point first mentioned.

*XVII. Calton Ward*

That portion of the city comprehended within a line drawn from a point at the centre of the bridge over the Leith Central Branch of the railway of the transport commission at Hawkhill Avenue southwards

2ND SCH. —*cont.*

and south-westwards along the centre of the said branch railway to the railway bridge spanning Abbeyhill at Rose Lane thence south-westwards along the centre of Abbeyhill to Calton Road thence westwards and north-westwards along the centre of Calton Road to the Regent Bridge thence south-westwards along the centre of Waterloo Place to Leith Street thence north-eastwards northwards and north-westwards along the centre of Leith Street and Broughton Street to East London Street thence north-eastwards eastwards and south-eastwards along the centre of East London Street Hope Crescent and McDonald Road to Leith Walk thence north-eastwards along the centre of Leith Walk to Albert Street thence eastwards along the centre of Albert Street to Easter Road thence southwards along the centre of Easter Road to Albion Road thence north-eastwards along the centre of Albion Road Albion Place and Hawkhill Avenue to the point first mentioned.

*XVIII. West Leith Ward*

That portion of the city comprehended within a line drawn from a point at the entry to and in the centre of the outer harbour of the harbour and docks of Leith between the east and west piers thereof south-eastwards and southwards along the centre of the said outer harbour and the inner harbour of the harbour and docks of Leith to the bridge linking Commercial Street and Bernard Street thence north-westwards along the centre of Commercial Street and Portland Place to Albany Street thence south-westwards along the centre of Albany Street to North Fort Street thence south-eastwards along the centre of North Fort Street to Ferry Road thence south-westwards along the centre of Ferry Road to the western boundary of the Northern General Hospital thence northwards along the said boundary to the Leith Branch Railway of the transport commission thence north-eastwards along the centre of the said branch railway to Boswall Avenue thence generally northwards along the centre of Boswall Avenue and Boswall Terrace to Boswall Parkway thence eastwards along the centre of Boswall Parkway to Wardie Crescent thence northwards north-eastwards and eastwards along the centre of Wardie Crescent to Granton Road thence northwards north-westwards and north-eastwards along the centre of Granton Road and Wardie Steps to the junction of Wardie Steps and Lower Granton Road thence north-westwards in a straight line to low-water mark on the foreshore at the eastern breakwater of Granton Harbour thence generally eastwards following the city boundary along the line of low-water mark to the northmost point of the west pier of the outer harbour of the harbour and docks of Leith thence north-eastwards to the point first mentioned.

*XIX. Central Leith Ward*

That portion of the city comprehended within a line drawn from a point in the centre of the inner harbour of the harbour and docks of Leith opposite the centre line of Tower Street south-eastwards along the centre of Tower Street to Constitution Street thence south-westwards along the centre of Constitution Street and Leith Walk to Pilrig Street thence north-westwards along the centre of Pilrig

Street and Newhaven Road to Ferry Road thence north-eastwards along the centre of Ferry Road to North Fort Street thence north-westwards along the centre of North Fort Street to Albany Street thence north-eastwards along the centre of Albany Street to Portland Place thence south-eastwards along the centre of Portland Place and Commercial Street to the bridge linking Commercial Street and Bernard Street thence northwards along the centre of the said inner harbour to the point first mentioned.

### *XX. South Leith Ward*

That portion of the city comprehended within a line drawn from a point on the foreshore at low-water mark where it is met by the prolongation of the centre line of the footbridge over the South Leith Branch Railway of the transport commission at Seafield Junction south-westwards in a straight line to the said footbridge thence continuing south-westwards for a distance of 97 lineal yards or thereabouts to the new Leith Line of the railway of the transport commission thence south-westwards along the centre of the said new Leith Line to the bridge over the Leith Central Branch of the railway of the transport commission thence southwards along the centre of the said Leith Central Branch to Hawkhill Avenue thence south-westwards along the centre of Hawkhill Avenue Albion Place and Albion Road to Easter Road thence northwards along the centre of Easter Road to Albert Street thence westwards along the centre of Albert Street to Leith Walk thence north-eastwards along the centre of Leith Walk and Constitution Street to Tower Street thence north-westwards along the centre of Tower Street and the prolongation thereof to a point at the centre of the inner harbour of the harbour and docks of Leith thence north-westwards along the centre of the said inner harbour and the outer harbour of the harbour and docks of Leith to a point at the entry to and in the centre of the said outer harbour between the east and west piers thereof thence north-eastwards to the east pier of the said outer harbour and round the north side thereof to the west side of the east breakwater of the harbour and docks of Leith thence north-westwards and generally south-eastwards round the said east breakwater and following the city boundary along the line of low-water mark to the point first mentioned.

### *XXI. Craigentinny Ward*

That portion of the city comprehended within a line drawn from a point at low-water mark on the prolongation of the centre line of Fillyside Road south-westwards southwards south-westwards and southwards along the said prolongation and the centre of Fillyside Road and Craigentinny Avenue to the railway of the transport commission thence south-eastwards along the centre of the said railway to a point where it meets the prolongation of the centre line of Northfield Farm Avenue thence south-westwards along the said prolongation and the centre of Northfield Farm Avenue and Northfield Broadway to Willowbrae Road thence north-westwards along the centre of Willowbrae Road to Paisley Drive thence south-westwards along the centre of Paisley Drive and the prolongation thereof to a

2ND SCH. —*cont.*

point where the said prolongation intersects with the prolongation of the centre line of Paisley Avenue thence westwards in a straight line to the boundary wall of Holyrood Park at a point 283 lineal yards or thereabouts south of the south boundary of the Edinburgh Corporation Water Department service tank thence northwards and north-westwards along the centre of the said boundary wall to the east end of Duke's Walk thence north-eastwards along the centre of Meadowbank Terrace to the junction of Meadowbank Terrace and London Road thence north-westwards in a straight line (except where it deviates round the back of the pavilion at the east end of the New Meadowbank Sports Ground) to the centre of the bridge over the railway of the transport commission at Marionville Road thence north-westwards along the centre of the Leith and Granton Branch Railway of the transport commission to the bridge carrying the Leith Central Branch of the said railway over the said Leith and Granton Branch thence north-eastwards and northwards along the centre of the said Leith Central Branch to the bridge carrying the new Leith Line of the railway of the transport commission over the said Leith Central Branch thence north-eastwards along the centre of the said new Leith Line to a point 97 lineal yards or thereabouts south-west of the footbridge over the South Leith Branch Railway of the transport commission at Seafield Junction thence north-eastwards in a straight line to and along the centre line of the said footbridge and prolongation thereof to a point on the foreshore at low-water mark thence south-eastwards following the city boundary along the line of low-water mark to the point first mentioned.

*XXII. Portobello Ward*

That portion of the city comprehended within a line drawn from a point at the city boundary on the foreshore at low-water mark north-east of Magdalene Bridge south-westwards along the city boundary to the Brunstane Burn thence upstream along the centre of the said burn and the Niddrie Burn to the Suburban Branch Railway of the transport commission thence westwards along the centre of the said Suburban Branch and the St. Leonard's Branch Railway of the transport commission to Duddingston Road West thence north-westwards along the centre of Duddingston Road West and the prolongation thereof to the south side of Duddingston Loch thence north-eastwards northwards and westwards along the south east and north sides of Duddingston Loch to the boundary wall of Holyrood Park thence northwards along the centre of the said boundary wall to a point 283 lineal yards or thereabouts south of the south boundary of the Edinburgh Corporation Water Department service tank thence eastwards in a straight line to a point at the intersection of the prolongations of the centre lines of Paisley Avenue and Paisley Drive thence north-eastwards along the centre of Paisley Drive to Willowbrae Road thence south-eastwards along the centre of Willowbrae Road to Northfield Broadway thence north-eastwards along the centre of Northfield Broadway and Northfield Farm Avenue and the prolongation thereof to the railway of the transport commission thence north-westwards along the centre of the said railway to a point where it meets the prolongation of the centre line of Craigentinny Avenue thence northwards north-eastwards northwards and north-eastwards

2ND SCH. —*cont.*

along the centre of Craigentinny Avenue and Fillyside Road to a point on the foreshore at low-water mark where it meets the prolongation of the centre line of Fillyside Road thence generally south-eastwards following the city boundary along the line of low-water mark to the point first mentioned.

*XXIII. Craigmillar Ward*

That portion of the city comprehended within a line drawn from a point on the city boundary where the Brunstane Burn diverges therefrom south of Magdalene Bridge thence generally southwards south-westwards and southwards along the city boundary to a point in the centre of Old Dalkeith Road due north of a point on the city boundary situated 53 lineal yards or thereabouts eastwards from the eastern boundary of "Deerpark" thence westwards and north-westwards along the centre of Old Dalkeith Road to Peffermill Road thence north-eastwards and south-eastwards along the centre of Peffermill Road to the bridge over the Braid Burn thence downstream along the centre of the said burn to the bridge at Duddingston Road West thence south-eastwards along the centre of Duddingston Road West to the St. Leonard's Branch Railway of the transport commission thence eastwards along the centre of the said St. Leonard's Branch and the Suburban Branch Railway of the transport commission to the Niddrie Burn thence downstream along the centre of the said burn and Brunstane Burn to the point first mentioned.

## THIRD SCHEDULE

(REFERRED TO IN SECTION 43 (POWER TO TAKE WATERS) OF THIS ORDER)

IN THE COUNTY OF PEEBLES—

Tweed sources of supply—

The waters of the Talla Water and of the Gameshope Burn and the waters of all the streams and springs flowing into or arising within the Talla Water and Gameshope Burn;

The waters of the Fruid Water and of the Menzion Burn and of the tributaries thereof.

IN THE COUNTY OF MIDLOTHIAN (outwith the city)—

Moorfoot sources of supply—

The waters of the Tweeddale Burn of the Gladhouse Burn and of the river South Esk with their tributaries.

The waters of Portmore Loch and its feeder streams and springs.

The waters of the Fullarton Burn and of the tributaries thereof.

3RD SCH. —*cont.*

North Pentlands sources of supply—

(*a*) Authorised by the Acts relating to the former Edinburgh Water Company—

The waters of the springs known as the Black Springs in the parish of Penicuik.

The waters of the Water of Leith the Bavelaw Burn and the Stream Burn in the lands of Listonshiels Bavelaw Kirkton and Malleny in the parishes of Kirknewton Penicuik and Currie and of the springs feeders and tributaries thereof.

The waters of the Clubbiedean and Torduff Burns and of the tributaries thereof.

The waters of the Dean and Blacklaws Burns and of the Bonaly Burn.

The waters of the streams known as Coldwell Strand West Burn Mid Burn East Burn Baad Park Burn Aiven Syke Howe Burn Coldwell Spring Thrashiedean Burn Listonshiels North Springs and Cowburn and the springs feeders and tributaries thereof.

The waters arising in or flowing through the lands of Crosswood Burn West Colzium East Colzium West Cairns East Cairns Baad Park Harperrig and Auchnoon.

The waters of the springs and other waters arising in or flowing through the lands of Middle Crosswood and Crosswood Hill.

The waters of the Small Burn and the Crosswood Burn.

(*b*) Former Midlothian County Council sources of supply—

The waters of the spring known as the Crosswood Hill Spring (generally known as "Crossgate Hill Spring") on the lands of Crosswood Hill in the parish of West Calder.

The waters from the bore known as the Bents Bore on the lands of Bents Farm in the parish of West Calder.

The waters of the spring known as the Linnhouse Spring on the lands of Corston Farm in the parish of Kirknewton.

The waters of the spring known as the Morton Spring on the lands of Mortonhall in the parish of West Calder.

South Pentlands sources of supply—

The waters of the Glencorse Burn and the Logan Burn and the tributaries thereof.

The waters of the spring in the parish of Glencorse known as the Crawley Spring.

3RD SCH. —*cont.*

Penicuik sources of supply—

The waters of the Quarrel Burn and of the tributaries thereof.

The waters of the springs known as the Silverburn Grain Low and Saltersyke Springs on the lands of Penicuik in the parish of Penicuik.

Fountainhall sources of supply—

The waters of the Pirntaton Burn and the tributaries thereof and of the three springs lying immediately to the south east of the said burn at a point two thousand and fifty-five yards or thereby above its confluence with the Gala Water in the parish of Stow.

Miscellaneous minor sources of supply (Former Midlothian County Council sources of supply)—

The waters of the springs known as the Salvandi and Lady Springs on the lands of Fala Mains in the parish of Fala and Soutra.

The waters of the springs on the lands of Muirhouse in the parish of Stow comprising the springs in and on the north and south sides of Selm Muir Wood the waters of the springs known as the John Knox and Muirhouse Springs and of the Muirhouse Burn and the tributaries thereof.

IN THE CITY OF EDINBURGH—

Comiston Springs—

The waters of the springs situated in the valley of the Braid Burn north of Hunter's Tryst known as the Comiston Springs and consisting of the Peewit (3 springs) Sandglass Swan Fox (3 springs) and Hare Springs.

Swanston—

The waters of the springs and streams situated to the west of Swanston village known as the Greencraig Stream and Springs and Smithy and Fleshy Cleughs and the Hare Burn.

## FOURTH SCHEDULE

(REFERRED TO IN SECTION 84 (MAINTENANCE OF GAUGES) OF THIS ORDER)

| 1<br>No. of gauge | 2<br>Situation of gauge | 3<br>Purpose for which gauge provided |
|---|---|---|
| 1 | Talla reservoir | For gauging the quantity of compensation water to be discharged into the Talla Water in accordance with the provisions of section 52 (Compensation water from Talla reservoir) of this Order. |
| 2 | Fruid intake | For gauging for the purposes of subsection (1) of section 55 (Restriction on taking waters from Fruid and Menzion) of this Order the quantity of water abstracted from the Fruid Water. |
| 3 | Fruid Water 440 yards or thereby above its confluence with the river Tweed | For gauging for the purposes of subsection (2) of section 55 (Restriction on taking waters from Fruid and Menzion) and paragraph (*c*) (i) of section 56 (Facilities for passage of migratory fish in Fruid and Menzion) of this Order the quantity of water flowing in the Fruid Water. |
| 4 | Menzion intake | For gauging for the purposes of subsection (3) of section 55 (Restriction on taking waters from Fruid and Menzion) of this Order the quantity of water abstracted from the Menzion Burn. |
| 5 | Menzion Burn 720 yards or thereby above its confluence with the river Tweed | For gauging for the purposes of subsection (4) of section 55 (Restriction on taking waters from Fruid and Menzion) and paragraph (*c*) (ii) of section 56 (Facilities for passage of migratory fish in Fruid and Menzion) of this Order the quantity of water flowing in the Menzion Burn. |
| 6 | Rosebery reservoir | For gauging the quantity of compensation water to be discharged into the river South Esk in accordance with the provisions of section 58 (Compensation water from Rosebery reservoir) of this Order. |
| 7 | Edgelaw reservoir | For gauging the quantity of compensation water to be discharged into the Fullarton Burn in accordance with the provisions of section 59 (Compensation water from Edgelaw reservoir) of this Order. |

4TH SCH. —*cont.*

| 1<br>No. of gauge | 2<br>Situation of gauge | 3<br>Purpose for which gauge provided |
|---|---|---|
| 8 | Portmore reservoir | For gauging the quantity of compensation water to be discharged into the Loch Burn in accordance with the provisions of subsection (1) of section 61 (Compensation water from Portmore reservoir) of this Order. |
| 9 | Harlaw reservoir | For gauging the quantity of compensation water to be discharged into the Bavelaw Burn in accordance with the provisions of section 64 (Discharge of compensation water from Harlaw and Threipmuir reservoirs) of this Order. |
| 10 | Harperrig reservoir | For gauging the quantity of compensation water to be discharged into the Water of Leith in accordance with the provisions of section 65 (Discharge of compensation water from Harperrig reservoir) of this Order. |
| 11 | Crosswood reservoir | For gauging the quantity of compensation water to be discharged into the Crosswood Burn in accordance with the provisions of section 70 (Discharge of compensation water from Crosswood reservoir) of this Order. |
| 12 | Listonshiels 500 yards or thereby north of Listonshiels Farm | For gauging the quantity of compensation water to be discharged into the Cowburn in accordance with the provisions of section 71 (Discharge of water into Cowburn) of this Order. |
| 13 | Dean Burn near its confluence with the Torduff Burn | For gauging the quantity of compensation water to be discharged into the Dean Burn in accordance with the provisions of paragraph (*a*) of subsection (1) of section 72 (Discharge of water into Dean and Bonaly Burns) of this Order. |
| 14 | Bonaly Burn 40 yards or thereby below east boundary wall of Bonaly House | For gauging the quantity of compensation water to be discharged into the Bonaly Burn in accordance with the provisions of paragraph (*b*) of subsection (1) of section 72 (Discharge of water into Dean and Bonaly Burns) of this Order. |

4TH SCH. —*cont.*

| 1 No. of gauge | 2 Situation of gauge | 3 Purpose for which gauge provided |
|---|---|---|
| 15 | Glencorse Burn Flotterstone | For gauging the quantity of compensation water to be discharged into the Glencorse Burn in accordance with the provisions of section 75 (Compensation water to Glencorse Burn) of this Order. |
| 16 | Quarrel Burn reservoir | For gauging the quantity of compensation water to be discharged into the Quarrel Burn in accordance with the provisions of section 79 (Compensation water from Quarrel Burn reservoir) of this Order. |
| 17 | Pirntaton Burn below intake | For gauging in accordance with the provisions of section 83 (Restriction on taking water from Pirntaton Burn) of this Order the quantity of water flowing in the Pirntaton Burn. |

## FIFTH SCHEDULE

(REFERRED TO IN SECTION 145 (RESTRICTIONS ON BUILDINGS IN CERTAIN PARKS) OF THIS ORDER)

*Description of buildings which may be permitted in certain public parks*

| Name of public park | Description of buildings which may be erected therein |
|---|---|
| 1. The Meadows ... ... | Lavatories conveniences shelters band-stands or other buildings of a like nature police kiosks and electricity substations. |
| 2. Bruntsfield Links ... | Lavatories conveniences shelters band-stands or other buildings of a like nature police kiosks and electricity substations. |
| 3. East Princes Street Gardens | Monuments lavatories conveniences shelters band-stands or other buildings of a like nature police kiosks and electricity substations. |
| 4. West Princes Street Gardens | Lodges for gardeners and keepers hothouses or conservatories monuments lavatories conveniences shelters band-stands or other buildings of a like nature police kiosks and electricity substations. |
| 5. Calton Hill ... ... | Monuments observatory church or other public buildings police kiosks and electricity substations. |
| 6. Leith Links ... ... | Lavatories conveniences shelters band-stands or other buildings of a like nature police kiosks and electricity substations. |

## SIXTH SCHEDULE

(REFERRED TO IN SECTION 217 (AS TO ISSUE OF BILLS OR PROMISSORY NOTES) OF THIS ORDER)

---

CITY AND ROYAL BURGH OF EDINBURGH

FORM OF BILL OR PROMISSORY NOTE.

City Chambers
Edinburgh.

Due
£

The Corporation of the City of Edinburgh promise to pay to or order
within on the day
of the sum of sterling
for value.

(This promissory note is issued in terms of the Edinburgh Corporation Order 1958 and is only valid when sealed with the common seal of the Corporation and signed by a member of the Corporation and the town clerk and the city chamberlain.)

*Member of Corporation.*

*Town Clerk.*

*City Chamberlain.*

Entered in the register of bills or promissory notes of date

*City Chamberlain.*

## SEVENTH SCHEDULE

(REFERRED TO IN SECTION 218 (AS TO ISSUE OF BONDS) OF THIS ORDER)

PROVISIONS AS TO EDINBURGH CORPORATION BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2. (*a*) Bonds may be issued at such prices and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on the fifteenth day of May and the elevcnth day of November in any year If a bond becomes repayable at a date other than the fifteenth day of May or the eleventh day of November the interest on the bond from the fifteenth day of May or the eleventh day of November as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond If a bond is issued on a date other than the fifteenth day of May or the eleventh day of November the interest on the bond from the date of issue until the eleventh day of November or the fifteenth day of May following the date of issue shall be apportioned and paid to the holder of the bond.

(*b*) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(*c*) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the city chamberlain on the dates specified in the certificates issued in respect of bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The city chamberlain shall keep a register (in this schedule called " the register ") of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(*a*) The name and address of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

7TH SCH. —*cont.*

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Order and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued and such certificate shall be and be deemed to be validly executed notwithstanding any law or practice to the contrary if the same is sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new or substitute certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

CITY AND ROYAL BURGH OF EDINBURGH

EDINBURGH CORPORATION BONDS

.....per centum Edinburgh Corporation bond repayable at par on.....19.....at the office of the City Chamberlain City Chambers Edinburgh.

This is to certify that..... of..... is the registered holder of a bond for..... pounds issued by the Corporation of the City of Edinburgh under the Edinburgh Corporation Order 1958.

Dated the.....day of.....

.....

Member of the Corporation of the City of Edinburgh

.....

Town Clerk.

Entered in the Register of Bonds

of date.....19.....

.....

City Chamberlain

7TH SCH. —*cont.*

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assignees to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

EDINBURGH CORPORATION BOND(S)

I/We ..... in consideration of the sum of..... paid by.....(hereinafter called " the transferee ") do hereby assign and transfer to the transferee .....

To hold unto the transferee his executors administrators and assigns (or as the case may be) subject to the several conditions on which I/we held the same immediately before the execution hereof and I/we the transferee do hereby agree to accept and take the said bond(s) subject to the conditions aforesaid.

As witness our hands and seals this.....day of .....19.....

(To be signed before one witness.)

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the city chamberlain shall enter a note thereof in a book to be called the " Register of transfers of Edinburgh Corporation bonds " (hereinafter called " the register of transfers ") and shall endorse on the deed of transfer a notice of that entry.

(4) The city chamberlain shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond unless production of such certificate has been dispensed with by the Corporation in terms of clause 6 hereof enter the name of the transferee in the register of transfers and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and (unless production thereof is dispensed with as aforesaid) the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence to their satisfaction by statutory declaration or otherwise of the title of any person claiming to make the transfer.

7TH SCH. —*cont.*

8. The Corporation may close the register of transfers for a period not exceeding thirty days immediately before the fifteenth day of May and the eleventh day of November respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may on the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them unless the contrary is stated.

10.—(1) Unless the holder of a bond otherwise requests in writing the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

11. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the confirmation or the probate of the will or the letters of administration has or have been left with the Corporation for registration.

12. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

13. Where two or more persons are jointly entitled to a bond any one of them may give an effectual receipt for any interest thereon unless notice in writing to the contrary has been given to the Corporation by any other of them.

14. The receipt of the guardian or tutor of an infant or pupil shall be a sufficient discharge to the Corporation for any money payable to the infant or pupil in respect of a bond.

15. No notice of any trust expressed implied or constructive affecting a bond shall be entered in the register or be receivable by or shall affect the Corporation but this provision shall not prevent any holder of a bond from being described as a trustee or as possessing any official character.

## EIGHTH SCHEDULE

(REFERRED TO IN SECTION 245 (CONFIRMING AGREEMENT WITH DOCK COMMISSION AS TO CERTAIN STREETS) OF THIS ORDER)

### MINUTE OF AGREEMENT

between

THE COMMISSIONERS FOR THE HARBOUR AND DOCKS OF LEITH incorporated under the Leith Harbour and Docks Orders 1935 to 1952 (hereinafter called " the Commissioners ") of the first part

and

THE CORPORATION OF THE CITY OF EDINBURGH (hereinafter called " the Corporation ") of the second part.

WHEREAS the Commissioners are under obligation to maintain and repair (*a*) certain streets in the City of Edinburgh (*b*) the bridge across the Water of Leith connecting Commercial Street and Bernard Street and (*c*) the bridge across the Water of Leith connecting Bridge Street with the Shore of Leith and Coal Hill: AND WHEREAS by section 73 of the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 it is provided that all streets carriageways or footways or parts thereof which at the commencement of that Order were maintained by the Corporation or the maintenance of which they might after the commencement of that Order undertake or assume should be vested in and maintained by the Corporation: AND WHEREAS it has been arranged that the Corporation should relieve the Commissioners of their obligation for the maintenance of the streets and parts of streets hereinafter specified and for the maintenance of the said two bridges on the conditions aftermentioned THEREFORE the parties hereby AGREE as follows:—

First: The Corporation undertake and assume the maintenance of the streets and parts of streets specified in the Schedule annexed and signed as relative hereto which streets and parts of streets are delineated and coloured red on the plan annexed and signed as relative hereto.

Second: The said two bridges including the foundations piers and abutments thereof (which two bridges are shown coloured blue on the said plan) shall vest in the Corporation, who undertake and assume the maintenance of the said two bridges.

Third: The Corporation shall subject to all necessary Government consents and approvals being obtained alter or reconstruct either or both of the said bridges so as to strengthen or widen them, and the said bridges as altered or reconstructed may have fixed spans instead of swing or lifting spans,

8TH SCH. —*cont.*

provided that any such fixed spans shall be so designed as to allow reasonable clearance for the passage of small river craft under said spans. In the event of the Corporation altering or reconstructing the said bridge connecting Commercial Street and Bernard Street so as to make it capable of carrying an abnormal indivisible load (that is, a vehicle not exceeding One hundred and eighty tons loaded weight such weight being distributed over four axles spaced as in the diagram on page twenty-one (figure two) of the British Standard Specification 153 Part 3A 1954 the total load on each axle not exceeding forty-five tons) the Commissioners shall pay to the Corporation the sum of Six thousand six hundred and sixty pounds as a contribution to the cost incurred by the Corporation and in the event of the Corporation altering or reconstructing the said bridge connecting Bridge Street with the Shore and Coal Hill so as to make it capable of carrying such an abnormal indivisible load as aforesaid the Commissioners shall pay to the Corporation the sum of Two thousand two hundred and twenty pounds as a contribution to the cost incurred by the Corporation. The said sums shall be payable by such instalments as the Corporation may require when work has commenced on the bridge concerned, provided that the Corporation shall not be entitled to require any payment in excess of three fourths of the cost at any time incurred for work carried out on the bridge concerned.

Fourth: This Agreement is intended to be scheduled to and confirmed by a Provisional Order to be promoted by the Corporation in the present session of Parliament, and is made subject to such alterations as may be made therein during the progress of such Provisional Order, and in the event of any alteration being so made which in the opinion of the Vice-Dean of the Faculty of Advocates for the time being is material it shall be competent for either of the parties to this Agreement to withdraw therefrom.

In Witness Whereof these presents consisting of this and the two preceding pages are together with the Schedule and plan annexed hereto executed in duplicate as follows:—they are subscribed on behalf of the Corporation in accordance with the provisions of Section twenty six of the Edinburgh Corporation Order 1933 by John Greig Dunbar, a Councillor, and by William Borland, Town Clerk, at a meeting of the Corporation held at Edinburgh on the Sixth day of February Nineteen hundred and fifty eight before these witnesses George Gilbert Fitzsimons and Edward Green Glendinning, both Clerks to the said William Borland, and they are Sealed with the Corporate Seal of the Commissioners and signed at and in presence of a meeting of the Commissioners on each page and on the said Schedule and plan by Edward Walker Burness, Shipowner, Leith, one of the Commissioners, the Chairman of the said meeting, and on this page and on the said plan by Charles Neil Sharp, Allan Scott and John Herdman, all Merchants, Leith, and Jesmond Richard Doughty, Shipowner, Leith, being four others of the Commissioners present

8TH SCH. —*cont.*

at said meeting, all at Leith on the eleventh day of February Nineteen hundred and fifty eight before these witnesses David Hunter and James Gebbie, both Clerks in the Offices of the said Commissioners.

(Sgd.) J. GREIG DUNBAR, Councillor.

(Sgd.) W. BORLAND, Town Clerk.

(Sgd.) GEORGE G. FITZSIMONS, Witness.

(Sgd.) EDWARD G. GLENDINNING, Witness.

(Sgd.) E. W. BURNESS, Chairman.

(Sgd.) C. NEIL SHARP, Commissioner.

(Sgd.) ALLAN SCOTT, Commissioner.

(Sgd.) JOHN HERDMAN, Commissioner.

(Sgd.) J. R. DOUGHTY, Commissioner.

(Sgd.) DAVID HUNTER, Witness.

(Sgd.) JAMES GEBBIE, Witness.

SCHEDULE referred to in the foregoing Minute of Agreement

1. Coal Hill from Sheriff Brae eastwards to its junction with the Shore, excluding that part between the northern edge of the harbour wall and the southern side of the continuous line of setts placed lengthwise along the street.

2. The Shore of Leith from Coal Hill north-eastwards to the centre line of Bernard Street, excluding that part between the north-western edge of the harbour wall and the south-eastern side of the continuous line of setts placed lengthwise along the street.

3. The Shore of Leith from the centre line of Bernard Street northwards to a line in production of the front line of the buildings on the south side of Tower Street, excluding that part between the western edge of the harbour wall and the eastern side of the continuous line of setts placed lengthwise along the street.

4. Commercial Street from North Junction Street eastwards to the bridge connecting it with Bernard Street, excluding the portion in which there is situated a railway crossing.

5. Dock Street from Commercial Street south-eastwards to Bridge Street.

6. Bath Road from Salamander Street north-eastwards to the entrance gate of South Leith Goods Station.

## NINTH SCHEDULE

*Acts and orders repealed*

### PART I

(REFERRED TO IN SECTION 39 (REPEAL OF CITY ACTS RELATING TO WATER UNDERTAKING) OF THIS ORDER)

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| 19 Ja. 6 c. 39 | An Act anent the Inbringing of Water to Edinburgh. 1621 | The whole Act. |
| 33 Cha. 2 c. 96 | An Act in favour of the Town of Edinburgh anent the Conduit of Water brought thereto. 1681 | The whole Act. |
| 29 Geo. 2 C. LXXIV | An Act for the better supplying the City of Edinburgh with fresh and wholesome water. 1755 | The whole Act. |
| 25 Geo. 3 c. xxviii | An Act for opening an easy and commodious Communication from the High Street of Edinburgh to the Country southward ; and also from the Lawn Market to the New Extended Royalty on the North, and for enabling Trustees to purchase Lands, Houses, and Areas for that purpose ; for widening and enlarging the Streets of the said City, and certain Avenues leading to the same; for rebuilding or improving the University ; for enlarging the Public Markets, and Communications thereto ; for regulating certain Taxes; for lighting the said City; for providing an additional Supply of Water; for extending the Royalty of the said City, and for levying an additional Sum of Money for | Section 43. |

9TH SCH. —*cont.*

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| | Statute Labour in the Middle District of the County of Edinburgh. 1785 | |
| 59 Geo. 3 c. cxvi | An Act for more effectually supplying the City of Edinburgh and Places adjacent with Water. 1819 | The whole Act so far as not already repealed. |
| 7 Geo. 4 c. cviii | An Act for more effectually supplying the City of Edinburgh and Places adjacent with Water; and for supplying the Town and Port of Leith and Places adjacent, and His Majesty's Dock Yards at Leith, with Water. 1826 | The whole Act so far as not already repealed. |
| 6 & 7 Vict. c. lxxxix | An Act to enable the Edinburgh Water Company to bring in an additional Supply of Water; and to alter and amend the Acts relating to the said Company. 1843 | The whole Act so far as not already repealed. |
| 10 & 11 Vict. c. ccii | The Edinburgh Water Company's Act 1847 | The whole Act so far as not already repealed. |
| 19 & 20 Vict. c. xci | The Edinburgh Water Company's Act 1856 | The whole Act so far as not already repealed. |
| 26 & 27 Vict. c. clxxxvii | The Edinburgh Water Company's Amendment Act 1863 | The whole Act so far as not already repealed. |
| 32 & 33 Vict. c. xxiv | The Edinburgh Parish Poorhouse Water Supply Act 1869 | The whole Act so far as not already repealed. |
| 32 & 33 Vict. c. cxliv | The Edinburgh and District Waterworks Act 1869 | The whole Act so far as not already repealed. |
| 37 & 38 Vict. c. clvi | The Edinburgh and District Waterworks (Additional Supply) Act 1874 | The whole Act so far as not already repealed. |

9TH SCH. —*cont.*

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| 39 Vict. c. xxxiii | The Edinburgh and District Waterworks Act 1876 | The whole Act so far as not already repealed. |
| 40 Vict. c. xxvi | The Edinburgh and District Waterworks Act 1877 | The whole Act so far as not already repealed. |
| 52 & 53 Vict. c. cvi | Water of Leith Purification and Sewerage Act 1889 | Section 33 so far as relating to the raising of the weirs of Harperrig and Threipmuir reservoirs and the discharge of water from such reservoirs. |
| 58 Vict. c. xxvii | Edinburgh and District Waterworks (Additional Supply) Act 1895 | The whole Act so far as not already repealed. |
| 61 Vict. c. xxiv | Edinburgh and District Waterworks Act 1898 | The whole Act so far as not already repealed. |
| 8 Edw. 7 c. clii | Edinburgh and District Water Order Confirmation Act 1908 | The whole of the Act and the Order scheduled thereto so far as not already repealed. |
| 4 & 5 Geo. 5 c. clxxxvii | Edinburgh and District Water Order Confirmation Act 1914 | Section 20 (except so far as relating to the discharge or delivery of 30,000 gallons of water daily at or near Milton Mill and 20,000 gallons of water daily at or near Bush West Lodge and as to the use thereof) sections 29 and 41 of and the Fourth Schedule (so far as relating to the supply of 500,000 gallons of water daily at or near the termination of work No. 12) to the Order scheduled thereto. |
| 14 & 15 Geo. 5 c. lxxxv | Midlothian (Calder District) Water Order Confirmation Act 1924 | The whole of the Act and the Order scheduled thereto so far as not already repealed except paragraphs (1) (3) and (4) of section 64. |
| 14 & 15 Geo. 5 c. lxxxvi | Edinburgh Corporation Water Order Confirmation Act 1924 | The whole of the Act and the Order scheduled thereto so far as not already repealed. |

9TH SCH. —*cont.*

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| 16 & 17 Geo. 5 c. xxii | Edinburgh Corporation (General Powers) Order Confirmation Act 1926 | Section 29 of the Order scheduled thereto. |
| 21 & 22 Geo. 5 c. lxxxiv | Midlothian County Council (Calder) Water Order Confirmation Act 1931 | The whole of the Act and the Order scheduled thereto so far as not already repealed. |
| 24 Geo. 5 c. v | Edinburgh Corporation Order Confirmation Act 1933 | Paragraph (*j*) of subsection (1) of section 369 (so far as relating to the agreement No. 10 enumerated in the Fourteenth Schedule) of the Order scheduled thereto. |
| 24 & 25 Geo. 5 c. lxxx | Public Works Facilities Scheme (Penicuik Water) Confirmation Act 1934 | The whole of the Act and the Scheme scheduled thereto so far as not already repealed. |
| 26 Geo. 5 & 1 Edw. 8 c. vi | Edinburgh Corporation Order Confirmation Act 1936 | Sections 7 to 10 inclusive 13 to 15 inclusive 38 46 and 47 of and the First Schedule to the Order scheduled thereto. |
| 12 & 13 Geo. 6 c. xx | Edinburgh and Midlothian Water Order Confirmation Act 1949 | The whole of the Order scheduled thereto so far as not already repealed except sections 16 to 20 inclusive and section 26. |
| 1949 No. 149 (S. 11) | Edinburgh Corporation (Fruid, Menzion) Water Order 1949 | The whole Order. |
| 1951 No. 1366 (S. 65) | Edinburgh Corporation (Fountainhall) Water Order 1951 | The whole Order. |
| 2 & 3 Eliz. 2 c. xxi | Edinburgh Corporation Order Confirmation Act 1954 | Sections 34 and 35 of the Order scheduled thereto. |
| 1958 No. 563 (S. 26) | The Edinburgh Corporation (Inglis Green Bleachfield) Water Order 1958 | The whole Order. |

PART II

9TH SCH. —*cont.*

(REFERRED TO IN SECTION 193 (REPEAL OF CERTAIN FINANCIAL PROVISIONS OF CITY ACTS) OF THIS ORDER)

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| 16 & 17 Geo. 5 c. xxii | Edinburgh Corporation (General Powers) Order Confirmation Act 1926 | Section 30 of the Order scheduled thereto. |
| 22 Geo. 5 c. vii | Edinburgh Corporation Order Confirmation Act 1932 | Sections 117 123 to 163 inclusive 167 168 172 and 175 of and the Seventh Eighth Ninth Tenth Eleventh Twelfth and Thirteenth Schedules to the Order scheduled thereto. |
| 24 Geo. 5 c. v | Edinburgh Corporation Order Confirmation Act 1933 | Subsections (6) and (7) of section 33 sections 285 295 333 and 355 of the Order scheduled thereto. |
| 24 & 25 Geo. 5 c. xxx | Edinburgh Corporation Order Confirmation Act 1934 | Section 5 of the Order scheduled thereto. |
| 26 Geo. 5 & 1 Edw. 8 c. vi | Edinburgh Corporation Order Confirmation Act 1936 | Sections 49 and 54 of the Order scheduled thereto. |
| 1 Edw. 8 & 1 Geo. 6 c. lxxxiv | Edinburgh Corporation Order Confirmation Act 1937 | Sections 30 and 41 of and the Second Schedule to the Order scheduled thereto. |
| 14 Geo. 6 c. xxvii | Edinburgh Corporation Order Confirmation Act 1950 | Sections 35 to 38 inclusive 40 to 42 inclusive 45 to 53 inclusive 55 and 56 sub-section (2) of section 58 section 64 of and the First and Second Schedules to the Order scheduled thereto. |
| 2 & 3 Eliz. 2 c. xxi | Edinburgh Corporation Order Confirmation Act 1954 | Section 92 of the Order scheduled thereto. |
| 1957 No. 1980 | Edinburgh Corporation (City Rate Partial Exemptions) Order 1957 | The whole Order. |

9TH SCH. —*cont.*

## PART III

(REFERRED TO IN SECTION 269 (REPEAL OF ACTS ETC.) OF THIS ORDER)

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| 4 & 5 Vict. c. 15 | An Act for the Erection at Edinburgh of a Monument to the late Sir Walter Scott 1841 | The whole Act. |
| 63 & 64 Vict. c. cc | Tramways Orders Confirmation (No. 3) Act 1900 | The whole of the Portobello and Musselburgh Tramways Order 1900 scheduled thereto so far as not already repealed. |
| 7 Edw. 7 c. lxiv | Portobello and Musselburgh Tramways (Levenhall Extension) Order Confirmation Act 1907 | The whole of the Act and the Order scheduled thereto so far as not already repealed. |
| 10 & 11 Geo. 5 c. lxxxvii | Edinburgh Boundaries Extension and Tramways Act 1920 | Sections 50 64 and 65. |
| 16 & 17 Geo. 5 c. lxv | Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act 1926 | Sections 171 and 201 of the Order scheduled thereto. |
| 22 Geo. 5 c. vii | Edinburgh Corporation Order Confirmation Act 1932 | Sections 6 to 54 inclusive 56 57 61 to 64 inclusive 169 170 186 to 188 inclusive of and the First and Second Schedules to the Order scheduled thereto. |
| 24 Geo. 5 c. v | Edinburgh Corporation Order Confirmation Act 1933 | Sections 8 to 10 inclusive 12 to 17 inclusive 19 to 22 inclusive 24 to 32 inclusive subsections (1) to (5) inclusive of section 33 sections 34 to 40 inclusive sections 101 to 103 inclusive sections 105 to 107 inclusive 109 110 112 114 126 127 203 to 211 inclusive paragraphs (1) and (2) of section 212 sections 213 218 to 227 inclusive 253 263 278 296 297 300 to 303 inclusive 305 306 311 paragraph (11) of section 312 section 313 |

9TH SCH. —*cont*

| Session and chapter or number of statutory instrument | Title of Act or Order | Extent of repeal |
|---|---|---|
| 24 Geo. 5 c. v (*continued*) | Edinburgh Corporation Order Confirmation Act 1933 (*continued*) | the second proviso to section 319 sections 324 335 339 344 356 357 paragraph (*j*) of subsection (1) of section 369 (so far as relating to the agreements Nos. 2 3 5 8 and 11 enumerated in the Fourteenth Schedule) of and the First Second Third and Ninth Schedules to the Order scheduled thereto. |
| 25 Geo. 5 c. iii | Edinburgh Corporation (Tramways etc.) Order Confirmation Act 1935 | Sections 5 to 18 inclusive 22 and 25 to 27 inclusive of the Order scheduled thereto. |
| 26 Geo. 5 & 1 Edw. 8 c. vi | Edinburgh Corporation Order Confirmation Act 1936 | Sections 5 6 16 to 37 inclusive and 52 of the Order scheduled thereto. |
| 1 Edw. 8 & 1 Geo. 6 c. lxxxiv | Edinburgh Corporation Order Confirmation Act 1937 | Sections 11 12 subsection (3) of section 23 sections 26 32 38 and 39 of the Order scheduled thereto. |
| 1948 No. 1138 | The Local Government (Scotland) (Edinburgh Wards) Order 1948 | The whole Order so far as not already repealed. |
| 1949 No. 249 | The Edinburgh Corporation (Amendment of Local Act) Order 1949 | The whole Order. |
| 14 Geo. 6 c. xxvii | Edinburgh Corporation Order Confirmation Act 1950 | Sections 5 22 39 54 69 70 74 to 78 inclusive subsections (1) (2) and (3) of section 79 sections 80 82 84 86 87 and 93 of the Order scheduled thereto. |
| 2 & 3 Eliz. 2 c. xxi | Edinburgh Corporation Order Confirmation Act 1954 | Sections 5 to 23 inclusive 26 to 31 inclusive 93 subsection (1) of section 95 sections 96 and 97 of and the First Schedule to the Order scheduled thereto. |
| 4 Eliz. 2 c. xxvii | Edinburgh Corporation Order Confirmation Act 1955 | Sections 4 to 8 inclusive of the Order scheduled thereto. |

*Table of Statutes referred to in this Act*

| Short title | Session and chapter |
|---|---|
| Lands Clauses Consolidation (Scotland) Act 1845 | 8 & 9 Vict. c. 19. |
| Forgery Act 1861 ... ... ... ... | 24 & 25 Vict. c. 98. |
| Telegraph Act 1869 ... ... ... ... | 32 & 33 Vict. c. 73. |
| Forgery Act 1870 ... ... ... ... | 33 & 34 Vict. c. 58. |
| Marriage Notice (Scotland) Act 1878 ... | 41 & 42 Vict. c. 43. |
| Interpretation Act 1889 ... ... ... | 52 & 53 Vict. c. 63. |
| Stamp Act 1891 ... ... ... ... | 54 & 55 Vict. c. 39. |
| Finance Act 1899 ... ... ... ... | 62 & 63 Vict. c. 9. |
| Licensing (Scotland) Act 1903 ... ... | 3 Edw. 7 c. 25. |
| North British Railway Act 1913 ... ... | 3 & 4 Geo. 5 c. lxxxix. |
| Acquisition of Land (Assessment of Compensation) Act 1919 | 9 & 10 Geo. 5 c. 57. |
| Trusts (Scotland) Act 1921 ... ... ... | 11 & 12 Geo. 5 c. 58. |
| Road Traffic Act 1930 ... ... ... | 20 & 21 Geo. 5 c. 43. |
| Road and Rail Traffic Act 1933 ... ... | 23 & 24 Geo. 5 c. 53. |
| Private Legislation Procedure (Scotland) Act 1936 | 26 Geo. 5 & 1 Edw. 8 c. 52. |
| Public Order Act 1936 ... ... ... | 1 Edw. 8 & 1 Geo. 6 c. 6. |
| Factories Act 1937 ... ... ... ... | 1 Edw. 8 & 1 Geo. 6 c. 67. |
| Street Playgrounds Act 1938 ... ... | 1 & 2 Geo. 6 c. 37. |
| Coal Act 1938 ... ... ... ... ... | 1 & 2 Geo. 6 c. 52. |
| Water (Scotland) Act 1946 ... ... ... | 9 & 10 Geo. 6 c. 42. |
| Borrowing (Control and Guarantees) Act 1946 | 9 & 10 Geo. 6 c. 58. |
| Education (Scotland) Act 1946 ... ... | 9 & 10 Geo. 6 c. 72. |
| Fire Services Act 1947 ... ... ... | 10 & 11 Geo. 6 c. 41. |
| Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 | 10 & 11 Geo. 6 c. 42. |
| Local Government (Scotland) Act 1947 ... | 10 & 11 Geo. 6 c. 43. |
| Town and Country Planning (Scotland) Act 1947 | 10 & 11 Geo. 6 c. 53. |
| Local Government Act 1948 ... ... | 11 & 12 Geo. 6 c. 26. |
| Water (Scotland) Act 1949 ... ... ... | 12 & 13 Geo. 6 c. 31. |
| Civil Aviation Act 1949 ... ... ... | 12 & 13 Geo. 6 c. 67. |
| Rivers (Prevention of Pollution) (Scotland) Act 1951 | 14 & 15 Geo. 6 c. 66. |
| Post Office Act 1953 ... ... ... ... | 1 & 2 Eliz. 2 c. 36. |
| Summary Jurisdiction (Scotland) Act 1954 | 2 & 3 Eliz. 2 c. 48. |
| Transport Charges &c. (Miscellaneous Provisions) Act 1954 | 2 & 3 Eliz. 2 c. 64. |
| Mines and Quarries Act 1954 ... ... | 2 & 3 Eliz. 2 c. 70. |
| Public Service Vehicles (Travel Concessions) Act 1955 | 3 & 4 Eliz. 2 c. 26. |
| Road Traffic Act 1956 ... ... ... | 4 & 5 Eliz 2 c. 67. |

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